

act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

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CHAPTER 131

[Substitute House Bill No. 749]

SPOKANE RIVER TOLL BRIDGES

AN ACT Relating to highways; amending section 47.56.220, chapter 13, Laws of 1961 and RCW 47.56.220; adding new sections to chapter 47.56 RCW; repealing section 1, chapter 117, Laws of 1969 ex. sess. and RCW 47.56.710; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. In order to permit the construction of a new state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane, the department of transportation acting through the transportation commission is authorized to enter into a contract or contracts with the Washington public employees' retirement system and the Washington state teachers' retirement system, each retirement system acting through the department of retirement systems, pursuant to which the state may issue refunding bonds to be exchanged for all outstanding Spokane river toll bridge revenue bonds held by the retirement systems in return for the agreement by the retirement systems to permit the construction of a new state highway bridge, to be known and designated as the James E. Keefe bridge, across the Spokane river in the vicinity of Trent Avenue in Spokane. If the department of transportation and those retirement systems enter into such contract or contracts, the state finance committee is authorized to issue refunding bonds in accordance with sections 1 through 6 of this 1979 act to carry out the terms of such contract or contracts.

NEW SECTION. Sec. 2. (1) The refunding bonds authorized by section 1 of this 1979 act shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount of not to exceed five million six hundred thousand dollars. The exact amount of the refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited in the Spokane river bridge revenue bond fund which can be used to redeem outstanding series A Spokane river toll bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption

privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than 1996. Refunding bonds to be exchanged for the remaining outstanding series A Spokane river toll bridge revenue bonds shall bear interest at the rate of four and one-half percent per annum. Refunding bonds to be exchanged for the outstanding series B Spokane river toll bridge revenue bonds shall bear interest at the rate of five percent per annum.

(2) The refunding bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile. Any of these bonds may be registered in the name of the holder on presentation to the state treasurer of at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest, under regulations as the state treasurer may prescribe. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner provided in sections 1 through 6 of this 1979 act from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and from the tolls and revenues derived from the operation of the Spokane river toll bridge.

(4) There is established in the highway bond retirement fund in the state treasury a special account to be known as the Spokane river toll bridge account into which shall be deposited at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the refunding bonds shall be paid first from money deposited in the Spokane river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36, 82.37, and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds to the money deposited in the Spokane river toll bridge account is insufficient to make such payments. Not less than fifteen days prior

to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now existing or hereafter amended. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

(5) The department of transportation shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the refunding bonds when due and to satisfy the other obligations set forth in sections 1 through 6 of this 1979 act and RCW 47.56.220 as now or hereafter amended. The principal of and interest on the refunding bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Spokane river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Spokane river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(6) The state finance committee may on behalf of the state make such covenants in connection with the refunding bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Spokane river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely

payment of the refunding bonds. Such covenants shall be binding on the department of transportation and transportation commission.

NEW SECTION. Sec. 3. Upon the issuance of refunding bond as authorized by section 1 of this 1979 act, the department of transportation may liquidate the existing bond fund and revenue fund established in the proceedings which authorized the issuance of the existing Spokane river toll bridge revenue bonds and apply the moneys contained in those funds to the redemption of outstanding Spokane river toll bridge revenue bonds, except that prior to such bond redemption, money sufficient to pay the first interest installment on the refunding bonds and any remaining money in such funds which cannot be used for such bond redemption shall be deposited in the Spokane river toll bridge account in the highway bond redemption fund. Any moneys in the existing change fund and operation and maintenance fund shall be transferred to corresponding funds established by the department of transportation and described in the proceedings authorizing the refunding bonds.

NEW SECTION. Sec. 4. If the department of transportation enters into the agreement with the Washington public employees' retirement system and the Washington state teachers' retirement system as authorized by section 1 of this 1979 act, and thereafter refunding bonds are issued and exchanged for the existing Spokane river toll bridge revenue bonds pursuant to the agreement, the prohibition against the construction of other bridges within ten miles of an existing toll bridge as contained in RCW 47.56.220 as now or hereafter amended shall not apply to the Spokane river toll bridge.

NEW SECTION. Sec. 5. Any money previously appropriated from the motor vehicle fund and expended on account of deficiencies in toll revenues to pay essential debt service on the existing Spokane river toll bridge revenue bonds, any money appropriated from the motor vehicle fund by section 10 of this 1979 act and expended to pay the expenses of issuing the refunding bonds authorized by section 1 of this 1979 act, and any money in the motor vehicle fund subsequently used to pay principal and interest on the refunding bonds authorized by section 1 of this 1979 act shall be repaid to the motor vehicle fund for use by the department of transportation, and tolls on the Spokane river bridge shall be continued for any required additional length of time for this purpose.

NEW SECTION. Sec. 6. Except as otherwise provided by statute, the refunding bonds issued under authority of section 1 of this 1979 act, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and any general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal

charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

NEW SECTION. Sec. 7. Sections 1 through 6 of this 1979 act shall be added to chapter 47.56 RCW.

Sec. 8. Section 47.56.220, chapter 13, Laws of 1961 and RCW 47.56-.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291 and section 4 of this 1979 act, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the ((Washington toll bridge authority)) department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as 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.

NEW SECTION. Sec. 9. Section 1, chapter 117, Laws of 1969 ex. sess. and RCW 47.56.710 are each hereby repealed.

NEW SECTION. Sec. 10. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of fifteen thousand dollars, or so much thereof as

may be necessary, to pay expenses of issuing the refunding bonds authorized by this 1979 act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1979.

Passed the Senate March 7, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 132

[House Bill No. 677]

COUNTY SHERIFF AND DEPUTIES—CLOTHING AND INCIDENTALS ALLOWANCE

AN ACT Relating to local government law enforcement officers; and amending section 2, chapter 50, Laws of 1963 and RCW 36.28.180.

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

Section 1. Section 2, chapter 50, Laws of 1963 and RCW 36.28.180 are each amended to read as follows:

A county may from available funds provide for ~~((a uniform))~~ an allowance for clothing and other incidentals necessary to the performance of official duties for the sheriff and his deputies.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 133

[Substitute House Bill No. 109]

INSURANCE AND HEALTH CARE CONTRACTS—NOTICE OF REASON FOR CANCELLATION

AN ACT Relating to insurance; adding new sections to chapter 48.30 RCW; and adding new sections to chapter 48.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.30 RCW a new section to read as follows: