
SENATE BILL 5317

State of Washington 65th Legislature 2017 Regular Session

By Senators Angel, Rolfes, and Sheldon

Read first time 01/20/17. Referred to Committee on Transportation.

1 AN ACT Relating to a sufficient minimum balance supporting the
2 Tacoma Narrows toll bridge; amending RCW 46.68.395 and 47.56.165;
3 reenacting and amending RCW 43.84.092; adding a new section to
4 chapter 47.56 RCW; providing an effective date; providing a
5 contingent expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.56
8 RCW to read as follows:

9 The Tacoma Narrows toll bridge sufficient minimum balance account
10 is created in the motor vehicle fund in the state treasury. All
11 moneys transferred under RCW 46.68.395(3) must be deposited into the
12 account. Moneys in the account may be spent only after appropriation.
13 Expenditures from the account may be used only for covering forty-
14 five days of the required costs under RCW 47.56.165(3)(a) if cash
15 flow is interrupted due to a failure of the toll facility to generate
16 revenues. Expenditures for these purposes must first be paid out of
17 the Tacoma Narrows toll bridge sufficient minimum balance account.
18 When tolls are no longer collected on the Tacoma Narrows toll bridge,
19 expenditures from the account may be used to pay deferred sales
20 taxes, if any, due on the bridge, and any moneys in the account may
21 be transferred back to the connecting Washington account.

1 **Sec. 2.** RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each
2 amended to read as follows:

3 (1) The connecting Washington account is created in the motor
4 vehicle fund. Moneys in the account may be spent only after
5 appropriation. Expenditures from the account must be used only for
6 projects or improvements identified as connecting Washington projects
7 or improvements in a transportation appropriations act, including any
8 principal and interest on bonds authorized for the projects or
9 improvements.

10 (2) Moneys in the connecting Washington account may not be
11 expended on the state route number 99 Alaskan Way viaduct replacement
12 project.

13 (3) On July 1, 2017, the state treasurer must transfer the amount
14 reflecting the sufficient minimum balance of forty-five days of the
15 required costs under RCW 47.56.165(3)(a) for the Tacoma Narrows toll
16 bridge, as determined by the transportation commission, from the
17 connecting Washington account to the Tacoma Narrows toll bridge
18 sufficient minimum balance account created in section 1 of this act.
19 Beginning July 1, 2018, and annually thereafter, the state treasurer
20 must transfer the amount necessary to maintain the sufficient minimum
21 balance of forty-five days of the required costs under RCW
22 47.56.165(3)(a), as determined by the transportation commission, from
23 the connecting Washington account to the Tacoma Narrows toll bridge
24 sufficient minimum balance account. This subsection (3) expires when
25 tolls are no longer collected on the Tacoma Narrows toll bridge.

26 **Sec. 3.** RCW 47.56.165 and 2009 c 567 s 1 are each amended to
27 read as follows:

28 A special account to be known as the Tacoma Narrows toll bridge
29 account is created in the motor vehicle fund in the state treasury.

30 (1) Deposits to the account must include:

31 (a) All proceeds of bonds issued for construction of the Tacoma
32 Narrows public-private initiative project, including any capitalized
33 interest;

34 (b) All of the toll charges and other revenues received from the
35 operation of the Tacoma Narrows bridge as a toll facility, to be
36 deposited at least monthly;

37 (c) Any interest that may be earned from the deposit or
38 investment of those revenues;

1 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
2 surplus real property acquired for the purpose of building the second
3 Tacoma Narrows bridge; and

4 (e) All liquidated damages collected under any contract involving
5 the construction of the second Tacoma Narrows bridge.

6 (2) Proceeds of bonds shall be used consistent with RCW
7 47.46.130, including the reimbursement of expenses and fees incurred
8 under agreements entered into under RCW 47.46.040 as required by
9 those agreements.

10 (3) Toll charges, other revenues, and interest may only be used
11 to:

12 (a) Pay required costs that contribute directly to the financing,
13 operation, maintenance, management, and necessary repairs of the
14 tolled facility, as determined by rule by the transportation
15 commission; and

16 (b) Repay amounts to the motor vehicle fund as required under RCW
17 47.46.140.

18 (4) Toll charges, other revenues, and interest may not be used to
19 pay for costs that do not contribute directly to the financing,
20 operation, maintenance, management, and necessary repairs of the
21 tolled facility, as determined by rule by the transportation
22 commission.

23 (5) The department shall make detailed quarterly expenditure
24 reports available to the transportation commission and to the public
25 on the department's web site using current department resources.

26 (6) When repaying the motor vehicle fund under RCW 47.46.140, the
27 state treasurer shall transfer funds from the Tacoma Narrows toll
28 bridge account to the motor vehicle fund on or before each debt
29 service date for bonds issued for the Tacoma Narrows public-private
30 initiative project in an amount sufficient to repay the motor vehicle
31 fund for amounts transferred from that fund to the highway bond
32 retirement fund to provide for any bond principal and interest due on
33 that date. The state treasurer may establish subaccounts for the
34 purpose of segregating toll charges, bond sale proceeds, and other
35 revenues.

36 (7) Any funds in the Tacoma Narrows toll bridge account, as of
37 July 1, 2017, reflecting the sufficient minimum balance for the
38 Tacoma Narrows toll bridge, may be used only to pay debt and
39 operating costs to mitigate future toll charges in accordance with a
40 plan developed jointly by the transportation commission and the

1 citizen advisory committee under RCW 47.46.090. If any funds remain
2 in the account at the end of the tolling period for the toll bridge,
3 those funds must be used to pay deferred sales taxes.

4 **Sec. 4.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
5 2016 c 112 s 4 are 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
10 receive funds associated with federal programs as required by the
11 federal cash management improvement act of 1990. The treasury income
12 account is subject in all respects to chapter 43.88 RCW, but no
13 appropriation is required for refunds or allocations of interest
14 earnings required by the cash management improvement act. Refunds of
15 interest to the federal treasury required under the cash management
16 improvement act fall under RCW 43.88.180 and shall not require
17 appropriation. The office of financial management shall determine the
18 amounts due to or from the federal government pursuant to the cash
19 management improvement act. The office of financial management may
20 direct transfers of funds between accounts as deemed necessary to
21 implement the provisions of the cash management improvement act, and
22 this subsection. Refunds or allocations shall occur prior to the
23 distributions of earnings set forth in subsection (4) of this
24 section.

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

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

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

1 average daily balance for the period: The aeronautics account, the
2 aircraft search and rescue account, the Alaskan Way viaduct
3 replacement project account, the brownfield redevelopment trust fund
4 account, the budget stabilization account, the capital vessel
5 replacement account, the capitol building construction account, the
6 Cedar River channel construction and operation account, the Central
7 Washington University capital projects account, the charitable,
8 educational, penal and reformatory institutions account, the Chehalis
9 basin account, the cleanup settlement account, the Columbia river
10 basin water supply development account, the Columbia river basin
11 taxable bond water supply development account, the Columbia river
12 basin water supply revenue recovery account, the common school
13 construction fund, the community forest trust account, the connecting
14 Washington account, the county arterial preservation account, the
15 county criminal justice assistance account, the deferred compensation
16 administrative account, the deferred compensation principal account,
17 the department of licensing services account, the department of
18 retirement systems expense account, the developmental disabilities
19 community trust account, the diesel idle reduction account, the
20 drinking water assistance account, the drinking water assistance
21 administrative account, the drinking water assistance repayment
22 account, the Eastern Washington University capital projects account,
23 the Interstate 405 express toll lanes operations account, the
24 education construction fund, the education legacy trust account, the
25 election account, the electric vehicle charging infrastructure
26 account, the energy freedom account, the energy recovery act account,
27 the essential rail assistance account, The Evergreen State College
28 capital projects account, the federal forest revolving account, the
29 ferry bond retirement fund, the freight mobility investment account,
30 the freight mobility multimodal account, the grade crossing
31 protective fund, the public health services account, the high
32 capacity transportation account, the state higher education
33 construction account, the higher education construction account, the
34 highway bond retirement fund, the highway infrastructure account, the
35 highway safety fund, the high occupancy toll lanes operations
36 account, the hospital safety net assessment fund, the industrial
37 insurance premium refund account, the judges' retirement account, the
38 judicial retirement administrative account, the judicial retirement
39 principal account, the local leasehold excise tax account, the local
40 real estate excise tax account, the local sales and use tax account,

1 the marine resources stewardship trust account, the medical aid
2 account, the mobile home park relocation fund, the money-purchase
3 retirement savings administrative account, the money-purchase
4 retirement savings principal account, the motor vehicle fund, the
5 motorcycle safety education account, the multimodal transportation
6 account, the multiuse roadway safety account, the municipal criminal
7 justice assistance account, the natural resources deposit account,
8 the oyster reserve land account, the pension funding stabilization
9 account, the perpetual surveillance and maintenance account, the
10 pollution liability insurance agency underground storage tank
11 revolving account, the public employees' retirement system plan 1
12 account, the public employees' retirement system combined plan 2 and
13 plan 3 account, the public facilities construction loan revolving
14 account beginning July 1, 2004, the public health supplemental
15 account, the public works assistance account, the Puget Sound capital
16 construction account, the Puget Sound ferry operations account, the
17 Puget Sound taxpayer accountability account, the real estate
18 appraiser commission account, the recreational vehicle account, the
19 regional mobility grant program account, the resource management cost
20 account, the rural arterial trust account, the rural mobility grant
21 program account, the rural Washington loan fund, the site closure
22 account, the skilled nursing facility safety net trust fund, the
23 small city pavement and sidewalk account, the special category C
24 account, the special wildlife account, the state employees' insurance
25 account, the state employees' insurance reserve account, the state
26 investment board expense account, the state investment board
27 commingled trust fund accounts, the state patrol highway account, the
28 state route number 520 civil penalties account, the state route
29 number 520 corridor account, the state wildlife account, the
30 supplemental pension account, the Tacoma Narrows toll bridge account,
31 the Tacoma Narrows toll bridge sufficient minimum balance 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 toll facility bond retirement account, the transportation 2003
36 account (nickel account), the transportation equipment fund, the
37 transportation fund, the transportation future funding program
38 account, the transportation improvement account, the transportation
39 improvement board bond retirement account, the transportation
40 infrastructure account, the transportation partnership account, the

1 traumatic brain injury account, the tuition recovery trust fund, the
2 University of Washington bond retirement fund, the University of
3 Washington building account, the volunteer firefighters' and reserve
4 officers' relief and pension principal fund, the volunteer
5 firefighters' and reserve officers' administrative fund, the
6 Washington judicial retirement system account, the Washington law
7 enforcement officers' and firefighters' system plan 1 retirement
8 account, the Washington law enforcement officers' and firefighters'
9 system plan 2 retirement account, the Washington public safety
10 employees' plan 2 retirement account, the Washington school
11 employees' retirement system combined plan 2 and 3 account, the
12 Washington state health insurance pool account, the Washington state
13 patrol retirement account, the Washington State University building
14 account, the Washington State University bond retirement fund, the
15 water pollution control revolving administration account, the water
16 pollution control revolving fund, the Western Washington University
17 capital projects account, the Yakima integrated plan implementation
18 account, the Yakima integrated plan implementation revenue recovery
19 account, and the Yakima integrated plan implementation taxable bond
20 account. Earnings derived from investing balances of the agricultural
21 permanent fund, the normal school permanent fund, the permanent
22 common school fund, the scientific permanent fund, the state
23 university permanent fund, and the state reclamation revolving
24 account shall be allocated to their respective beneficiary accounts.

25 (b) Any state agency that has independent authority over accounts
26 or funds not statutorily required to be held in the state treasury
27 that deposits funds into a fund or account in the state treasury
28 pursuant to an agreement with the office of the state treasurer shall
29 receive its proportionate share of earnings based upon each account's
30 or fund's average daily balance for the period.

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

34 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of
36 the state government and its existing public institutions, and takes
37 effect July 1, 2017.

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