

state and the support of the state government of the State of Washington and its existing institutions, and shall take effect on the first day of April, 1937. } Vetoed.

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 18, 1937, with the exception of section 23, which is vetoed.

CHAPTER 208:

[S. B. 410.]

DISBURSEMENTS FROM MOTOR VEHICLE FUND.

AN ACT relating to public roads and streets, making motor vehicle fund a permanent fund, providing for the distribution within and making appropriations from the motor vehicle fund for supervision, location, right of way, improvement, construction, reconstruction, maintenance, special maintenance, emergencies and capital outlay for primary state highways and for payment of interest and bonds on state owned bridges and for secondary or county road and city streets, making appropriations for carrying out the provisions of certain acts of Congress and for miscellaneous purposes, prescribing the powers and duties of certain officers, making appropriations for the reimbursement of counties and incorporated cities and towns, and making an appropriation from the highway equipment fund, repealing all laws in conflict herewith, and declaring that this act shall take effect immediately.

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

SECTION 1. The motor vehicle fund of the State of Washington, as heretofore constituted by law, consisting of monies now required to be paid into said fund, and monies which shall hereafter be required to be paid into said fund, shall remain a permanent fund of the State of Washington for the use of the state and, through state agencies, for the use of counties, cities and towns, for proper road or highway purposes, and for credit to the "General Obligation

Motor
vehicle fund.

Bonds of 1933 Retirement Fund," as long as there are any obligations to be met from that fund, and all monies in the motor vehicle fund shall be credited therein as follows:

Monies credited to fund.

(a) Sums equivalent to two and three-fourths cents ($2\frac{3}{4}\phi$) per gallon on all liquid fuel sold shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 2 of this act;

Monies set aside for disbursement from fund.

(b) All other monies in said fund shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 3 of this act.

SEC. 2. All sums required to be set aside by subdivision (a) of the preceding section shall be distributed in the following order and for the following purposes:

(a) Three-fifths ($3/5$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in section 5, chapter 65, Laws of 1933;

(b) Three-fifths ($3/5$) of any sums to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act, said sums to be distributed monthly;

(c) All sums required to be repaid to counties composed entirely of islands by virtue of chapter 98, Laws of 1923 as amended;

(d) One and one-half per cent ($1\frac{1}{2}\%$) of the balance of said sums after making the distribution required by subdivisions (a), (b) and (c) of this section on a monthly basis shall be set aside for the use of the director of highways in the supervision of work and expenditures of counties, cities and towns on county roads and city streets, said distribution to be made monthly;

(e) The balance of said funds shall be credited to the respective counties by the 15th day of each calendar month for the preceding calendar month in the following percentages: Adams 1.52, Asotin .78, Benton 1.48, Chelan 2.15, Clallam 1.96, Clark 2.89, Columbia 1.06, Cowlitz 2.29, Douglas 1.07, Ferry .74, Franklin 1.04, Garfield 1.02, Grant 1.08, Grays Harbor 3.20, Island .61, Jefferson 1.05, King 20.11, Kitsap 2.00, Kittitas 1.78, Klickitat 1.84, Lewis 2.76, Lincoln 1.90, Mason 1.32, Okanogan 1.36, Pacific 1.64, Pend Oreille 1.11, Pierce 7.53, San Juan .53, Skagit 3.03, Skamania 1.01, Snohomish 4.72, Spokane 5.78, Stevens 1.51, Thurston 1.99, Wahkiakum .69, Walla Walla 2.15, Whatcom 3.56, Whitman 2.89, Yakima 4.85.

From the monies credited to the several counties according to the foregoing percentages there shall be deducted and credited to each incorporated city and town in each such county, by the fifteenth day of each calendar month, an amount which on an annual basis shall aggregate to each such incorporated city and town in each such county a total amount equal to one and one-half dollars (\$1.50) per capita population of each such incorporated city and town according to the last official United States government census or, in case of cities and towns incorporated subsequent to the date of such census, according to the population at time of incorporation as evidenced by the certificate of the incorporating officials of such cities or towns:

Allocations
to cities
and towns.

(1) *Provided*, That in the case of Aurora avenue in the city of Seattle designated by the director of highways as a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable

Vetoed.

from a local improvement district or condemnation award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five (5) per cent of the monthly payment or allocation to the city of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the city of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The city treasurer shall monthly determine the amount equal to five (5) per cent of the monthly credit to the city of Seattle in the motor vehicle fund which shall become available for the purposes of this subsection, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the city treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five (5) per cent, shall be paid by the state auditor to the city treasurer on proper vouchers therefor;

Vetoed.

(2) Out of such money apportioned to the city of Bellingham by the terms of this act, there shall be paid by the city of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars for the benefit of the property owners and assessment payers on Elm street and North West avenue in said district, which said sum shall be prorated among such owners and assessment payers in the proportion which the as-

assessment made on his or their property bears to the whole of said assessment against Elm street and North West avenue property in said district. } Vetoed.

SEC. 3. All sums required by subdivision (b) of section 1 of this act to be set aside in the motor vehicle fund shall be distributed in the following order and for the following purposes: Distributions:

(a) Two-fifths (2/5) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in section 5, chapter 65, Laws of 1933; General obligation bonds of 1933 retirement fund.

(b) Two-fifths (2/5) of any sums to be expended pursuant to an appropriation for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act and all other sums to be expended pursuant to appropriations for the administrative expenses of said offices in connection with the administration of the motor vehicle fund; State treasurer, state auditor and department of licenses, administrative expenses.

(c) To each incorporated city and town in the state in which there are streets designated by the director of highways as forming a part of the route of any primary state highway or extension thereof into or through such incorporated city or town, there shall be credited in the motor vehicle fund a sum equal to five hundred dollars (\$500) per mile, the same to be paid to such incorporated city or town in the manner and under the same provisions as provided by law for other funds credited in the motor vehicle fund to the incorporated cities and towns of this state for proper city street purposes; Cities and towns.

(d) All sums appropriated or reappropriated for primary state highway and secondary state highway purposes; Primary and secondary state highway purposes.

(e) Of the sums available for primary state highway and secondary state highway purposes under this section the director of highways shall be re-

quired to expend for secondary state highway purposes a sum equal to three-fourths ($\frac{3}{4}$) of one cent per gallon on all taxable motor vehicle fuel sold, all other law of this state to the contrary notwithstanding; this subsection shall be amendatory to and in derogation of provisions to the contrary contained in Senate Bill No. 395 heretofore passed in the regular session of 1937.

Appropriation.

SEC. 4. For the purposes set forth in subdivisions (c), (d) and (e) of sec. 2 of this act, including cooperation with the Federal or state government, or any agency thereof authorized by law, and for all proper county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads and city streets, for payment of interest and principal of bonds issued for road and street purposes, there is hereby appropriated out of the motor vehicle fund for the use of the department of highways and for the reimbursement of counties, cities and towns, for the biennium ending March 31, 1939, the sum of seventeen million dollars (\$17,000,000) or as much thereof as shall become available, in no event to exceed a sum equal to two and three-fourths cents ($2\frac{3}{4}\phi$) per gallon on taxed motor vehicle fuel less the sums set aside under subdivisions (a) and (b) of sec. 2 of this act.

Vetoed.

SEC. 5. In the event that funds are not made available and accrue to the motor vehicle fund during the ensuing biennium by reason of a motor vehicle fuel excise tax upon motor vehicle fuel and inflammable liquids in an amount equal to at least five and one-half cents ($5\frac{1}{2}\phi$) per gallon on all motor vehicle fuel sold, the provisions of sections 1, 2, 3 and 4 of this act with respect to the distribution of such funds shall not apply and shall be and become null and void, and all monies accruing to the motor vehicle fund from the motor vehicle excise tax on mo-

tor vehicle fuel and inflammable liquids upon a basis of less than five and one-half cents ($5\frac{1}{2}\phi$) per gallon shall be credited in the motor vehicle fund as follows:

(a) Sums equivalent to three cents (3ϕ) per gallon on all liquid fuel sold shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 6 of this act;

(b) All other monies in said motor vehicle fund shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 7 of this act.

SEC. 6. All sums required to be set aside by subdivisions (a) of sec. 5 preceding under such circumstances shall be distributed in the following order and for the following purposes:

(a) Three-fifths ($3/5$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in sec. 5, chapter 65, Laws of 1933; Vetoed.

(b) Three-fifths ($3/5$) of any sums to be expended pursuant to appropriation for the administrative expenses of the offices of state treasurer, state auditor, and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act, said sums to be distributed monthly;

(c) All sums required to be repaid to counties composed entirely of islands by virtue of chapter 98, Laws of 1923 as amended;

(d) One and one-half per cent ($1\frac{1}{2}\%$) of the balance of said sums after making the distribution required by subdivisions (a), (b) and (c) of this section on a monthly basis shall be set aside for the use of the director of highways in the supervision of work and expenditures of counties, cities and towns on county roads and city streets, said distribution to be made monthly;

(e) The balance of said funds shall be credited to the respective counties by the 15th day of each calendar month for the preceding calendar month in the following percentages: Adams 1.52, Asotin .78, Benton 1.48, Chelan 2.15, Clallam 1.96, Clark 2.89, Columbia 1.06, Cowlitz 2.29, Douglas 1.07, Ferry .74, Franklin 1.04, Garfield 1.02, Grant 1.08, Grays Harbor 3.20, Island .61, Jefferson 1.05, King 20.11, Kitsap 2.00, Kittitas 1.78, Klickitat 1.84, Lewis 2.76, Lincoln 1.90, Mason 1.32, Okanogan 1.36, Pacific 1.64, Pend Oreille 1.11, Pierce 7.53, San Juan .53, Skagit 3.03, Skamania 1.01, Snohomish 4.72, Spokane 5.78, Stevens 1.51, Thurston 1.99, Wahkiakum .69, Walla Walla 2.15, Whatcom 3.56, Whitman 2.89, Yakima 4.85.

Vetoed. From the monies credited to the several counties according to the foregoing percentages there shall be deducted and credited to each incorporated city and town in each such county, by the fifteenth day of each calendar month, an amount which on an annual basis shall aggregate to each such incorporated city and town in each such county a total amount equal to one and one-half dollars (\$1.50) per capita population of each such incorporated city and town according to the last official United States government census or, in case of cities and town[s] incorporated subsequent to the date of such census, according to the population at time of incorporation as evidenced by the certificate of the incorporating officials of such cities or towns:

(1) *Provided*, That in the case of Aurora avenue in the city of Seattle designated by the director of highways a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable from a local improvement district or condemna-

tion award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five (5) per cent of the monthly payment or allocation to the city of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the city of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The city treasurer shall monthly determine the amount equal to five (5) per cent of the monthly credit to the city of Seattle in the motor vehicle fund which shall become available for the purposes of this subsection, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the city treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five (5) per cent shall be paid by the state auditor to the city treasurer on proper vouchers therefor;

Vetoed.

(2) Out of such money apportioned to the city of Bellingham by the terms of this act, there shall be paid by the city of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars for the benefit of the property owners and assessment payers on Elm street and North West avenue in said district, which said sum shall be prorated among such owners and

assessment payers in the proportion which the assessment made on his or their property bears to the whole of said assessment against Elm street and North West avenue property in said district.

SEC. 7. All sums required by subdivision (b) of sec. 5 of this act to be set aside in the motor vehicle fund shall be distributed in the following order for the following purposes:

(a) Two-fifths ($2/5$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in sec. 5, chapter 65, Laws of 1933;

(b) Two-fifths ($2/5$) of any sums to be expended pursuant to an appropriation for the administrative expenses of the offices of state treasurer, state auditor, and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act and all other sums to be expended pursuant to appropriations for the administrative expenses of said offices in connection with the administration of the motor vehicle funds;

(c) All sums appropriated or reappropriated for primary state highway purposes.

SEC. 8. For the purposes set forth in subdivision[s] (c), (d) and (e) of sec. 6 of this act including cooperation with the Federal or state government, or any agency thereof authorized by law and for all proper secondary or county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of secondary or county roads and city streets for payment of interest and principal of bonds issued for roads and street purposes as by law provided, there is hereby appropriated out of the motor vehicle fund for the use of the department of highways and for the reimbursement of counties, cities and towns, for the biennium ending March 31, 1939, the sum of seventeen million dollars (\$17,000,000) or as much

Vetoed.

thereof as shall become available, in no event to exceed a sum equal to three cents (3¢) per gallon on taxed motor vehicle fuel and inflammable liquids, less the sum set aside under subdivisions (a) and (b) of sec. 6 of this act. } Vetoed.

SEC. 9. For salaries, wages and operations of the offices of the department of highways and/or district offices of the department of highways, in connection with the expenditure of funds now available and to become available from the Federal government for construction, reconstruction or improvement of primary state highways, secondary state highways, or county roads and/or city streets, to be expended under the direction of the director of highways, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of one hundred twenty thousand dollars (\$120,000), or so much thereof as shall be necessary, but in no event to exceed one and one-half per cent (1½%) of any such Federal funds. } Appropriation for salaries, wages and operations in connection with expenditure of Federal funds.

SEC. 10. For location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and including the payment of interest and bond redemption becoming due, between April 1, 1937, and March 31, 1939, on state owned bridges, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of ten million five hundred thousand dollars (\$10,500,000): *Provided*, That the expenditures under this appropriation shall not exceed the receipts credited under subdivision (b), section 1 of this act. } Appropriation for construction, etc., of primary state highways.

SEC. 11. To carry out the provisions of the Federal aid road act and the state act assenting thereto, (to be expended for that portion of work actually completed and chargeable to the Federal contributing fund under specific project agreements now } Appropriation to carry out provisions of Federal aid road act.

executed or to be executed by state and Federal authorities; expenditures herefrom to be limited to anticipated reimbursements) there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of twelve million dollars (\$12,000,000), or so much thereof as shall be necessary.

Appropriation for maintenance of primary state highways.

SEC. 12. For the maintenance of primary state highways, including road signs, operation of bridges and ferries, including the establishment and operation of ferry service in conjunction with another state, which connects a primary and Federal highway of Washington with a state and Federal highway of such other state, and similar purposes on primary roads, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of three million five hundred forty thousand dollars (\$3,540,000), or so much thereof as shall be necessary.

Appropriation for special maintenance of primary state highways.

SEC. 13. For the special maintenance of primary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1939, the sum of one million four hundred thirty-five thousand dollars (\$1,435,000), or so much thereof as shall be necessary.

Appropriation, emergencies.

SEC. 14. For emergencies, hereby defined to be damage to primary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of five hundred thousand dollars (\$500,000), or so much thereof as shall be necessary.

Appropriation, reimbursement of motor vehicle fund.

SEC. 15. For the purpose of continuing the highway equipment fund, reimbursing the motor vehicle fund in the sum of two hundred fifty thousand dollars (\$250,000), and for all proper expenditures out

of the highway equipment fund, there is hereby appropriated from the highway equipment fund, for the biennium ending March 31, 1939, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary.

SEC. 16. For the department of highways for "capital outlay," which shall include the purchase and improvement of land and the erection of buildings, including necessary salaries and wages incident thereto, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of two hundred sixty-seven thousand, seven hundred forty-seven dollars (\$267,747), or so much thereof as shall be necessary.

Appropriation, capital outlay.

SEC. 17. For the purposes of the Commission on Highway Transportation there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1939, the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

Appropriation, commission on highway transportation.

SEC. 18. All acts and parts of acts in conflict with any portion of this act are hereby repealed.

Conflicting acts repealed.

SEC. 19. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 18, 1937, with the exception of items 1 and 2 of section 2 and sections 5, 6, 7 and 8, which are vetoed.