

to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state higher education bond redemption fund of 1973 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this 1973 act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. If any provision of this 1973 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. 8. This 1973 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 Senate April 8, 1973.

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CHAPTER 136

[Engrossed Substitute Senate Bill No. 2813]

PUBLIC MASS TRANSIT PROGRAMS--

STATE FINANCIAL SUPPORT--

APPROPRIATIONS

AN ACT Relating to the financial support of public mass transit programs; amending section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; amending section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791; amending section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792; amending section 1, chapter 87, Laws of 1972

ex. sess. and RCW 82.44.150; adding new sections to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW; repealing section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274; repealing section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275; repealing section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276; repealing section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; repealing section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278; making an appropriation; prescribing an effective date and declaring an emergency.

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

Section 1. Section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273 are each amended to read as follows:

~~((On or after July 1, 1971, any municipality is authorized to levy and collect a special excise tax not exceeding one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to the provisions of subsection (2) of RCW 82.44.150, the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020: PROVIDED, That))~~ Before utilization of any ~~((excise tax moneys collected under authorization of this section))~~ of the funds appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory act for acquisition of right of way or for construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system

route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 2. Section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All ~~((taxes levied and collected under REW 35.58.273))~~ funds appropriated by the legislature and distributed to municipalities for public mass transit assistance pursuant to section 6 of this 1973 amendatory act shall be credited to a special fund in the treasury of ~~((the))~~ each such municipality ~~((imposing such tax))~~. Such ~~((taxes))~~ funds shall be ~~((levied and))~~ used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

~~((If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax: Upon the effective date of this 1969 act any municipality is authorized to pledge that the tax authorized by REW 35.58.273 shall be levied, collected and applied as provided in this 1969 act to pay or secure the payment of any bonds issued by such municipality after such effective date for authorized public transportation purposes:))~~

Sec. 3. Section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791 are each amended to read as follows:

No new internal combustion powered equipment shall be acquired with funds ~~((derived from the taxes levied and collected under REW 35.58.273 or with funds derived from general obligation bonds wholly or partially secured by the taxes levied and collected under REW~~

35-58-273) appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory act unless they meet the standards for control of pollutants emitted by internal combustion engines as determined by the state air pollution control board, which standards shall not be less than those required by similar federal standards.

Sec. 4. Section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792 are each amended to read as follows:

The construction of parking facilities to be wholly or partially financed with funds ((derived from the taxes levied and collected under REW 35-58-273 or with funds derived from general obligation bonds wholly or partially secured by taxes levied and collected under REW 35-58-273)) appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory act shall be in conjunction with and adjacent to public transportation stations or transfer facilities.

Sec. 5. Section 1, chapter 87, Laws of 1972 ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) ((The director of motor vehicles shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1974, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of motor vehicles during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under REW 82-44-030 and REW 82-44-070, from motor vehicle owners residing within each municipality which has levied a tax under REW 35-58-273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under REW 82-44-030 and 82-44-070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under REW 35-58-273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of program planning and fiscal management, who shall adjust the fraction annually.

(2)) On the first day of the months of January, April, July,

and October of each year, the state treasurer shall make the following apportionment and distribution of all moneys remaining in the motor vehicle excise fund: PROVIDED, That the July apportionment shall be credited to the fiscal year in which the collections are made: A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to eighty-one and thirty-four one hundredths percent of all motor vehicle excise tax receipts ((including those levied and collected on behalf of a municipality imposing a tax authorized by RCW 35.58.273)) shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) ((The amount, not less than \$2,250,000 required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds issued pursuant to chapter 234, laws of 1957 in the ensuing twelve months and any additional amount required by the covenants of such bonds shall be transferred to the 1957 public school building bond redemption fund:))

((b)) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred to the 1963 public school building bond retirement fund.

((c) The amount required to remit to a municipality the proceeds of the tax authorized under RCW 35.58.273 shall be remitted to the municipality levying such tax.

(d)) (b) Any remaining amounts from the motor vehicle excise taxes not required for debt service on the above bond issues ((or to be remitted to a municipality as required under subsection (c) of this subsection)) shall be transferred and credited to the general fund.

((3)) (2) Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection ((2)) (1) of this section shall be transferred to the general fund.

((4)) (3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the board.

((5)) (4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that

revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

((16) The amount required under subsection (2)(c) of this section to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under RCW 35.58.273, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs; capital costs and debt service on general obligation or revenue bonds issued for such purposes.))

NEW SECTION. Sec. 6. There is added to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW a new section to read as follows:

(1) The state treasurer, based on information provided by the department of motor vehicles, shall distribute to each municipality operating a public mass transportation system which requests and qualifies for state financial assistance, such amounts as the legislature appropriates for public mass transit assistance in each fiscal biennium. The amount to be distributed to any municipality for purposes of local public transportation assistance from any legislative appropriation for that purpose shall be an amount equal to the amount budgeted by such municipality to be expended for local public transportation from local tax sources but in no event shall the amount distributed to a municipality in any calendar year be more than the maximum limit established by the dollar amount calculated pursuant to the formula in subsection (2) of this section.

(2) The dollar amount of the maximum limit referred to in subsection (1) of this section shall be determined by the following formula: One-half of the total amount of motor vehicle excise taxes remitted to the department during the most recent calendar year for which data is available, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the subject municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the maximum amount to be distributed to any municipality from whatever funds may be appropriated by the legislature for purposes of local public transportation assistance. Where the municipality is located in more than one county, separate computations shall be made for each county, and the combined products shall provide the maximum limit.

Population figures required for these computations shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall adjust the fraction annually.

(3) The distribution of funds to municipalities from any legislative appropriation for purposes of mass transit assistance shall be made annually by the state treasurer no later than June 30th of the calendar year to which the distribution applies. For purposes of insuring the equitable distribution of funds appropriated by the legislature, the department of motor vehicles at the beginning of each state fiscal biennium for which funds are appropriated for distribution shall determine the amount of local matching money to be budgeted within maximum limits by each municipality for each municipal fiscal year covered by the state appropriation. In the event the appropriation by the legislature is insufficient to match the amount of locally generated tax revenues budgeted for transportation purposes by municipalities within maximum limits established by this section, the amount distributed to each municipality shall be reduced proportionately.

(4) If after the close of any calendar year the department of motor vehicles should determine that any municipality receiving a grant from the state appropriation for mass transit assistance has not expended or lawfully contracted to expend at least ninety percent of the local matching funds budgeted for mass transit from local taxes, the apportionment for the succeeding calendar year to that municipality from state assistance funds shall be reduced by the dollar amount of the municipality's under-expenditure of budgeted local tax funds less an adjustment factor calculated as five percent of the local matching funds budgeted, or one hundred thousand dollars, whichever is less.

(5) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund.

NEW SECTION. Sec. 7. There is added to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW a new section to read as follows:

(1) During the two fiscal years from July 1, 1973 to June 30, 1975, no municipality as defined in RCW 35.58.272 which has been authorized to levy a special excise tax pursuant to RCW 35.58.273 may levy an amount in each of such fiscal years greater than the maximum amount established pursuant to the following formula:

For each of the fiscal years 1973-74 and 1974-75 the total

amount of such special excise taxes levied by all municipalities shall be \$6,000,000 per year and each municipality may levy not to exceed the proportion of such total amount for which the municipality qualifies proportionately with all other qualifying municipalities under RCW 35.58.273 and RCW 82.44.150 for local mass transit assistance purposes. Prior to May 1, 1973 and May 1, 1974 each municipality desiring to levy an excise tax during the immediately following fiscal year shall so advise the director of the department of motor vehicles. Necessary data shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall determine the maximum amount of the excise tax levy for each qualifying municipality and shall certify such amount to each such municipality prior to June 1 of each of the years 1973 and 1974.

(2) In addition to any other authority now provided by law, any municipality, including a metropolitan municipal corporation, shall be authorized to issue general obligation bonds for public mass transportation purposes with the principal and interest on said bonds to be paid from such taxes as shall be authorized to be levied by such municipality including motor vehicle excise taxes. Such bonds shall be issued and sold subject to the terms and limitations and in the manner provided in RCW 35.58.450: PROVIDED, That no municipality may issue general obligation bonds secured by or payable from motor vehicle excise taxes which bonds mature later than June 30, 1981.

(3) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund.

NEW SECTION. Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274;

(2) Section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275;

(3) Section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276;

(4) Section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; and

(5) Section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278.

NEW SECTION. Sec. 9. Sections 1 through 6 and section 8 of this 1973 amendatory act shall not take effect until June 30, 1981, and the remainder of this 1973 amendatory 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.

NEW SECTION. Sec. 10. If any provision of this 1973 amendatory 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. 11. (1) There is hereby appropriated from the state school equalization fund to the state treasurer for the biennium ending June 30, 1975, the sum of \$12,000,000 for distribution to municipalities for local mass transit assistance purposes pursuant to RCW 82.44.150.

(2) There is hereby appropriated from the state school equalization fund to the state treasurer for the biennium ending June 30, 1973, the sum of \$4,676,100 for distribution to municipalities for local mass transit assistance purposes. This appropriation is in addition to the appropriation of \$6,935,900 from the school equalization fund for the mass transit assistance in section 25, chapter 275, Laws of 1971 ex. sess., and in lieu of any funds which otherwise would have been distributable to municipalities for mass transit assistance during the biennium ending June 30, 1973 pursuant to the authorization in section 102, chapter 275, Laws of 1971 ex. sess.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

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CHAPTER 137

[Substitute Senate Bill No. 2854]

OPERATING BUDGET

AN ACT Adopting the budget for certain state agencies; making appropriations and authorizing expenditures for the operations of certain state agencies for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of certain agencies and officers of the