

CHAPTER 175.

[H. B. 74.]

TAX REVENUES—ALLOCATION—STATE CENSUS.

AN ACT relating to state government; providing for the allocation of certain tax revenues; prescribing procedures; amending section 2, chapter 51, Laws of 1947, as last amended by section 1, chapter 96, Laws of 1951 and RCW 43.62.010; amending section 1, chapter 51, Laws of 1947, section 1, chapter 60, Laws of 1949 and RCW 43.62.020; amending section 2, chapter 96, Laws of 1951 and RCW 43.62.030; amending section 3, chapter 96, Laws of 1951 and RCW 43.62.040; amending section 1, chapter 187, Laws of 1949, as last amended by sections 2 and 3, chapter 109, Laws of 1955, and RCW 43.66.090, 43.66.100, 43.66.110 and 43.66.120; amending section 1, chapter 83, Laws of 1943 and RCW 46.68.100; amending section 4, chapter 181, Laws of 1939, as last amended by section 1, chapter 143, Laws of 1949 and RCW 46.68.110; amending section 5, chapter 152, Laws of 1945 and RCW 82.44.150; and amending section 5, chapter 248, Laws of 1951 and RCW 35.13.260 and 35.13.270; repealing RCW 43.66.120; and declaring an emergency.

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

SECTION 1. Section 2, chapter 51, Laws of 1947, as last amended by section 1, chapter 96, Laws of 1951 and RCW 43.62.010 are each amended to read as follows:

RCW 43.62.010 amended.

There is hereby created a state census board hereinafter referred to as the board, which shall consist of three members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof; one a member of the faculty of the State College of Washington, appointed by the president thereof, and one member appointed by the governor, all of whom serve at the pleasure of the appointing authority. If a member of said board declines to act, resigns, or is unable to act, his successor shall be named as in the original case. The board shall elect a chairman and shall purchase such equipment and supplies and shall employ such assistance and clerical help as is

Board created—Composition—Expenses.

Census board.
Board created
—Composition
—Expenses.

necessary in the performance of its duties. Each member of the board and any assistants or employees of the board when authorized to make expenditures in behalf of the board shall be reimbursed for necessary traveling and other expenses. In addition, the per diem for each member of the board shall be twenty-five dollars for attendance at board meetings, which shall not exceed three meetings per year. If the state or any of its political subdivisions, or other agencies, use the services of the board, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Per diem and expenditures herein authorized shall be approved by the chairman or the executive secretary of the board, and shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act.

RCW 43.62.020
amended.

SEC. 2. Section 1, chapter 51, Laws of 1947 and section 1, chapter 60, Laws of 1949 (heretofore combined and codified as RCW 43.62.020) are each amended to read as follows:

Method of
allocating state
funds to cities
and towns
prescribed.

(RCW 43.62.020) Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the state census board: *Provided*, That the regular federal decennial census figures released for cities and towns shall be considered by the board in determining the population of cities and towns.

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RCW 43.62.030
amended.

SEC. 3. Section 2, chapter 96, Laws of 1951 and RCW 43.62.030 are each amended to read as follows:

The board shall, as of April 1, 1957, and annually thereafter as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate and of a certificate showing the determination of all population increases of cities and towns resulting from annexations that become effective prior to September 1st in any year shall be forwarded by the board to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the board: *Provided*, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the board shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: *Provided further*, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the board shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the board of the incorporation of

Determination
of population—
Certificate—
Allocation of
state funds.

Proviso.

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each new city and town and of the disincorporation of any cities or towns.

RCW 43.62.040 amended.

SEC. 4. Section 3, chapter 96, Laws of 1951 and RCW 43.62.040 are each amended to read as follows:

Census board. Assistance to board—Determination by board conclusive.

The tax commission or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive.

Combination, division and amendment.

SEC. 5. Section 1, chapter 187, Laws of 1949, as last amended by sections 2 and 3, chapter 109, Laws of 1955 (heretofore divided, combined and codified as RCW 43.66.090, 43.66.100, 43.66.110 and 43.66.120) are amended to read as set forth in sections 6 through 9 of this act.

RCW 43.66.090 enacted without amendment.

SEC. 6. (RCW 43.66.090) When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

Fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

RCW 43.66.100 amended. Liquor control board. Determination of distribution to counties.

SEC. 7. (RCW 43.66.100) With respect to the ten percent share coming to the counties, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

The share coming to each eligible county shall be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as shown by the last federal or official county census, whichever is the later, bears to the population of the total combined unincorporated areas of all eligible counties, as shown by such census: *Provided*, That no county in which the sale of liquor is forbidden in

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the unincorporated area thereof as the result of an election shall be entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

SEC. 8. (RCW 43.66.110) With respect to the forty percent share coming to the incorporated cities and towns, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

RCW 43.66.110 amended. Determination of distribution to cities and towns.

The share coming to each eligible city or town shall be determined by a division among the eligible cities and towns within the state ratably on the basis of population as last determined by the board: *And provided*, That no city or town in which the sale of liquor is forbidden as the result of an election shall be entitled to any share in such distribution.

SEC. 9. (RCW 43.66.120)

RCW 43.66.120 deleted.

SEC. 10. Section 1, chapter 83, Laws of 1943 and RCW 46.68.100 are each amended to read as follows:

RCW 46.68.100 amended.

From the net tax amount in the motor vehicle fund there shall be paid by the state agency responsible for collecting the same as follows:

Motor vehicles. Disposition of revenue. Allocation of net tax amount in motor vehicle fund.

(1) To the cities and towns of the state sums equal to fifteen percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state sums equal to forty-one and one-half percent of the net tax amount to be paid monthly as the same accrues.

Note: See also section 3, chapter 271, Laws of 1957.

SEC. 11. Section 4, chapter 181, Laws of 1939, as last amended by section 1, chapter 143, Laws of 1949 and RCW 46.68.110 are each amended to read as follows:

RCW 46.68.110 amended.

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of

Distribution of amount allocated to cities and towns.

RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the director of highways for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

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(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the board.

RCW 82.44.150 amended.

SEC. 12. Section 5, chapter 152, Laws of 1945 and RCW 82.44.150 are each amended to read as follows:

Excise taxes. Motor vehicle excise. Distribution of motor vehicle excise fund generally.

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: Five percent thereof shall be credited and transferred to the state general fund; seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; and seventy-eight percent thereof shall be credited and transferred to the state school equalization fund.

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.

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 pro-

tection 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.

SEC. 13. Section 5, chapter 248, Laws of 1951 (heretofore divided and codified as RCW 35.13.260 and 35.13.270) is divided and amended as set forth in sections 14 and 15 of this act.

Division and amendment.

SEC. 14. (RCW 35.13.260) Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be forthwith filed in duplicate with the board, and the board shall transmit one of the copies thereof to the secretary of state. Such certificate shall be in such form and contain such information as shall be prescribed by said board and shall contain a legal description and map showing the annexed territory. The board shall upon request furnish such forms to any city or town requesting the same.

Cities and towns. Determining population of annexed territory—Certificate—As basis for allocation of state funds.

Whenever annexation is made effective subsequent to September 1st in any year and prior to January 1st next following, such population basis for distribution shall not be used until on and after one year following the next subsequent January 1st. Whenever any territory is annexed to a city or town subsequent to April 1st of any year and certified and filed as provided herein prior to September 1st, the population of the annexed territory shall be added to the population of the city or town as determined by the board to be used for the allocation and distribution of state funds to cities and towns commencing January 1st next following. The population of the annexed territory shall be determined by a count made by, or under the direction of, the mayor of the

annexing city or town by multiplying the number of existing dwelling units in the annexed territory at the time of annexation by a factor of 2.95. Such certificate shall be signed by the mayor and attested by the city clerk.

Until an annexation certificate is filed as provided herein, such annexed territory shall not be considered by the board in determining the population of such city or town.

RCW 35.13.270 amended. Road district taxes collected in annexed territory—Disposition.

SEC. 15. (RCW 35.13.270) Whenever any territory is annexed to a city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city and by the city placed in the city street fund.

Basis for allocation of state funds for 1957.

SEC. 16. The allocation of state funds to cities and towns for the calendar year 1957 shall be made on the basis of the laws in effect prior to the effective date of this act.

Emergency.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House February 14, 1957.

Passed the Senate March 13, 1957.

Approved by the Governor March 21, 1957.