

shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended (PROVIDED, That the portion deposited into the investment reserve account in accordance with RCW 43.84.090 shall be deposited into the federal revenue sharing trust fund).

In administering the conditions set forth in RCW 43.88.110 (2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: PROVIDED, That all state agencies and each school district shall comply with the provisions of Public Law 92-512, the federal Revenue Sharing Act, and regulations issued thereunder.

NEW SECTION. Sec. 2. On or after the effective date of this 1974 amendatory act, all appropriations made by the forty-third Legislature from the federal revenue sharing trust fund shall be paid out of the state general fund.

NEW SECTION. Sec. 3. On or after the effective date of this 1974 amendatory act, the state treasurer shall transfer to the general fund all assets in the federal revenue sharing trust fund.

NEW SECTION. Sec. 4. This 1974 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.

Passed the House January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 54

[House Bill No. 1261]

MOTOR VEHICLE EXCISE FUND,
STATE SCHOOL EQUALIZATION FUND—
ASSETS TRANSFERRED TO GENERAL FUND

AN ACT Relating to motor vehicle excise taxes; amending section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278; amending section 82.44.070, chapter 15, Laws of 1961 as amended by section 5, chapter 139, Laws of 1969 and RCW 82.44.070; amending section 82.44.110, chapter 15, Laws of 1961 as amended by section 1, chapter 121, Laws of 1967 and RCW 82.44.110; amending section 82.44.120, chapter 15, Laws of

1961 as last amended by section 2, chapter 121, Laws of 1967 and RCW 82.44.120; amending section 1, chapter 87, Laws of 1972 ex. sess. and RCW 82.44.150; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 136, Laws of 1973 1st ex. sess. and RCW 82.44.150; amending section 82.44.160, chapter 15, Laws of 1961 as last amended by section 1, chapter 108, Laws of 1969 and RCW 82.44.160; amending section 82.48.080, chapter 15, Laws of 1961 as amended by section 5, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.080; amending section 82.50.170, chapter 15, Laws of 1961 and RCW 82.50.170; creating new sections; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the (~~motor vehicle excise tax~~) general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

This section shall expire on June 30, 1981.

Sec. 2. Section 82.44.070, chapter 15, Laws of 1961 as amended by section 5, chapter 139, Laws of 1969 and RCW 82.44.070 are each amended to read as follows:

Whenever any person shall apply to the utilities and transportation commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81, and it appears to said commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay the fee for such permit or plates to said commission, and shall also make to the department of motor vehicles a partial payment of fifty percent of the full excise fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the director of motor vehicles, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the director of motor vehicles, and in accounting to the state treasurer for such noncollection the auditor shall note the number of the receipt or the number of the identification plates issued by the utilities and transportation commission.

The director shall account for and pay over to the state treasurer, at the latest within thirty days after he has received payment, the excise fees he has collected under this chapter, and the state treasurer shall credit the same to the ((motor vehicle excise)) general fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the utilities and transportation commission and those applying to the county assessor shall apply to the department of revenue.

Sec. 3. Section 82.44.110, chapter 15, Laws of 1961 as amended by section 1, chapter 121, Laws of 1967 and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of motor vehicles for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to ((a fund which is hereby created to be known as)) the ((motor vehicle excise)) general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of motor vehicles in the collection of the excise tax.

Sec. 4. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 121, Laws of 1967 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of motor vehicles

determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the tax commission and the association of county assessors.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of motor vehicles shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid.

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the

same person. Any claim for such refund shall be filed with the department of motor vehicles at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the ((~~motor vehicle excise~~)) general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

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, 1971, 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 RCW 82.44.030 and RCW 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under RCW 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 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 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 RCW 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 based upon information provided by the department of motor vehicles shall make the following apportionment and distribution of ~~((all moneys remaining in the))~~ motor vehicle excise ~~((fund: PROVIDED; That the duly apportionment shall be credited to the fiscal year in which the collections are made:))~~ taxes deposited in the general fund. 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))~~ seventy percent of all motor vehicle excise tax receipts ~~((including those levied and collected on behalf of a municipality imposing a tax authorized by REW 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 from the state school equalization fund 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 REW 35-58-273 shall be remitted to the municipality levying such tax:~~

~~{d}))~~ (b) Any remaining amounts in the state school equalization fund 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) ~~((Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection {2} of this section shall be transferred to the general fund:~~

~~{4}))~~ 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.

~~((6))~~ (5) 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. 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.

This section shall expire on June 30, 1981.

Sec. 6. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 136, Laws of 1973 1st ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) On the first day of the months of January, April, July, and October of each year, the state treasurer based on information provided by the department of motor vehicles 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:))~~ taxes deposited in the general fund. 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))~~ seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) 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 from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

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

(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.

((4)) (3) 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.

This section shall be effective on and after June 30, 1981.

Sec. 7. Section 82.44.160, chapter 15, Laws of 1961 as last amended by section 1, chapter 108, Laws of 1969 and RCW 82.44.160 are each amended to read as follows:

Before distributing moneys to the cities and towns from the ((motor vehicle excise)) general fund, as provided in RCW 82.44.150, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in said section, which sum shall be apportioned and transmitted to the municipal research council, herein created. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and towns. Moneys allocated shall be used for studies and

research in municipal government, publications, educational, conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its board of directors which is hereby recognized as their official agency or instrumentality.

Funds appropriated to the municipal research council shall be kept in the treasury in the ((motor vehicle excise)) general fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the chairman of the municipal research council or his designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Any moneys remaining unexpended or uncontracted for by the municipal research council at the end of any fiscal biennium shall be returned to the ((motor vehicle excise)) general fund and be paid to cities and towns under the provisions of RCW 82.44.150.

Sec. 8. Section 82.48.080, chapter 15, Laws of 1961 as amended by section 5, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.080 are each amended to read as follows:

The director shall regularly pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the ((motor vehicle excise)) general fund.

Sec. 9. Section 82.50.170, chapter 15, Laws of 1961 and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the commission for a refund of the amount of the claimed erroneous payment within ninety days of the time of payment of the tax on such a form as is prescribed by the commission. The commission shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the ((motor vehicle excise)) general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is

not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. On or after the effective date of this 1974 amendatory act all appropriations made by the forty-third legislature from the motor vehicle excise fund and the state school equalization fund shall be paid out of moneys in the state general fund.

NEW SECTION. Sec. 11. On the effective date of this 1974 amendatory act the motor vehicle excise fund is hereby abolished and all assets shall be transferred to and all outstanding warrants shall be paid from the general fund.

NEW SECTION. Sec. 12. On the effective date of this 1974 amendatory act the state school equalization fund assets shall be transferred to and all outstanding warrants shall be paid from the general fund.

NEW SECTION. Sec. 13. Section 6 of this 1974 amendatory act shall not take effect until June 30, 1981, and the remainder of this 1974 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. 14. If any provision of this 1974 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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CHAPTER 55
[House Bill No. 1294]
TEACHER CERTIFICATION—
REFUSAL, REVOCATION—GROUNDS

AN ACT Relating to education; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as amended by section 145, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.140; amending section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as amended by section 51, chapter 48, Laws of 1971 and RCW 28A.70.160; and declaring an emergency.

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