

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1137

52nd Legislature
1991 Regular Session

Passed by the House March 1, 1991
Yeas 93 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 8, 1991
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1137** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1137

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betrozoff, Wynne, Nealey, Miller, Bowman and Moyer; by request of Task Force on City/County Finances).

Read first time February 1, 1991.

1 AN ACT Relating to local government; amending RCW 82.14.310,
2 82.14.315, 82.14.320, 82.14.330, 82.14.340, and 63.29.190; creating a
3 new section; and declaring an emergency.

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

5 **Sec. 1.** RCW 82.14.310 and 1990 2nd ex.s. c 1 s 102 are each
6 amended to read as follows:

7 (1) The county criminal justice assistance account is created in
8 the state treasury. The account shall consist of all motor vehicle
9 excise tax receipts deposited into the account under chapter 82.44 RCW.

10 (2) The moneys deposited in the county criminal justice assistance
11 account for distribution under this section shall be distributed at
12 such times as distributions are made under RCW 82.44.150 and on the
13 relative basis of each county's funding factor as determined under this
14 subsection.

1 (a) A county's funding factor is the sum of:

2 (i) The population of the county, divided by one thousand, and
3 multiplied by two-tenths;

4 (ii) The crime rate of the county, multiplied by three-tenths; and

5 (iii) The annual number of criminal cases filed in the county
6 superior court, for each one thousand in population, multiplied by
7 five-tenths.

8 (b) Under this section and RCW 82.14.320 and 82.14.330:

9 (i) The population of the county or city shall be as last
10 determined by the office of financial management;

11 (ii) The crime rate of the county or city is the annual occurrence
12 of specified criminal offenses, as calculated in the most recent annual
13 report on crime in Washington state as published by the Washington
14 association of sheriffs and police chiefs, for each one thousand in
15 population;

16 (iii) The annual number of criminal cases filed in the county
17 superior court shall be determined by the most recent annual report of
18 the courts of Washington, as published by the office of the
19 administrator for the courts.

20 (iv) Distributions and eligibility for distributions in the 89-91
21 biennium shall be based on 1988 figures for both the crime rate as
22 described under (ii) of this subsection and the annual number of
23 criminal cases that are filed as described under (iii) of this
24 subsection. Future distributions shall be based on the most recent
25 figures for both the crime rate as described under (ii) of this
26 subsection and the annual number of criminal cases that are filed as
27 described under (iii) of this subsection.

28 (3) Moneys distributed under this section shall be expended
29 exclusively for criminal justice purposes and shall not be used to
30 replace or supplant existing funding. Criminal justice purposes are

1 defined as activities that substantially assist the criminal justice
2 system, which may include circumstances where ancillary benefit to the
3 civil justice system occurs. Existing funding for purposes of this
4 subsection is defined as calendar year 1989 actual operating
5 expenditures for criminal justice purposes. Calendar year 1989 actual
6 operating expenditures for criminal justice purposes exclude the
7 following: Expenditures for extraordinary events not likely to
8 reoccur, changes in contract provisions for criminal justice services,
9 beyond the control of the local jurisdiction receiving the services,
10 and major nonrecurring capital expenditures.

11 (4) This section expires January 1, 1994.

12 **Sec. 2.** RCW 82.14.315 and 1990 2nd ex.s. c 1 s 103 are each
13 amended to read as follows:

14 (1) The moneys appropriated for distribution under this section
15 shall be distributed at such times as distributions are made under RCW
16 82.44.150. Such moneys shall be distributed to the counties of the
17 state ratably on the basis of population as last determined by the
18 office of financial management.

19 (2) Moneys distributed under this section shall be expended
20 exclusively for criminal justice purposes and shall not be used to
21 replace or supplant existing funding. Criminal justice purposes are
22 defined as activities that substantially assist the criminal justice
23 system, which may include circumstances where ancillary benefit to the
24 civil justice system occurs. Existing funding for purposes of this
25 subsection is defined as calendar year 1989 actual operating
26 expenditures for criminal justice purposes. Calendar year 1989 actual
27 operating expenditures for criminal justice purposes exclude the
28 following: Expenditures for extraordinary events not likely to
29 reoccur, changes in contract provisions for criminal justice services,

1 beyond the control of the local jurisdiction receiving the services,
2 and major nonrecurring capital expenditures.

3 (3) This section expires July 1, 1991.

4 **Sec. 3.** RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each
5 amended to read as follows:

6 (1) The municipal criminal justice assistance account is created in
7 the state treasury. The account shall consist of all motor vehicle
8 excise tax receipts deposited into the account under chapter 82.44 RCW.

9 (2) No city may receive a distribution under this section from the
10 municipal criminal justice assistance account unless:

11 (a) The city has a crime rate in excess of one hundred twenty-five
12 percent of the state-wide average as calculated in the most recent
13 annual report on crime in Washington state as published by the
14 Washington association of sheriffs and police chiefs;

15 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
16 the maximum rate or the tax authorized in RCW 82.46.010(2) at the
17 maximum rate; and

18 (c) The city has a per capita yield from the tax imposed under RCW
19 82.14.030(1) at the maximum rate of less than one hundred fifty percent
20 of the state-wide average per capita yield for all cities from such
21 local sales and use tax.

22 (3) The moneys deposited in the municipal criminal justice
23 (~~assistance~~) assistance account for distribution under this section
24 shall be distributed at such times as distributions are made under RCW
25 82.44.150. The distributions shall be made as follows:

26 (a) Thirty percent of the moneys shall be distributed ratably based
27 on population as last determined by the office of financial management
28 to those cities eligible under subsection (2) of this section that have
29 a crime rate determined under subsection (2)(a) of this section which

1 is greater than two times the state-wide average crime rate. No city
2 may receive more than fifty percent of any moneys distributed under
3 this subsection (a).

4 (b) The remainder of the moneys shall be distributed to all cities
5 eligible under subsection (2) of this section ratably based on
6 population as last determined by the office of financial management.

7 (4) No city may receive more than thirty percent of all moneys
8 distributed under subsection (3) of this section.

9 (5) Moneys distributed under this section shall be expended
10 exclusively for criminal justice purposes and shall not be used to
11 replace or supplant existing funding. Criminal justice purposes are
12 defined as activities that substantially assist the criminal justice
13 system, which may include circumstances where ancillary benefit to the
14 civil justice system occurs. Existing funding for purposes of this
15 subsection is defined as calendar year 1989 actual operating
16 expenditures for criminal justice purposes. Calendar year 1989 actual
17 operating expenditures for criminal justice purposes exclude the
18 following: Expenditures for extraordinary events not likely to
19 reoccur, changes in contract provisions for criminal justice services,
20 beyond the control of the local jurisdiction receiving the services,
21 and major nonrecurring capital expenditures.

22 (6) Beginning January 1, 1992, no city with a population in excess
23 of four hundred thousand shall receive any distribution of moneys from
24 the municipal criminal justice assistance account until the city has
25 entered an agreement with the office of court administrator regarding
26 the utilization of the district and municipal court information system.
27 The agreement shall require any municipal court system of such cities
28 to be linked to the system and be fully capable of on-line use of the
29 data contained therein. The agreement shall specify a date by which
30 such linkage and use shall be effective and in no event shall the date

1 be later than January 1, 1994, unless funding is not made available by
2 the legislature, in which case the date for linkage shall be postponed
3 only until such funding is available.

4 (7) This section expires January 1, 1994.

5 **Sec. 4.** RCW 82.14.330 and 1990 2nd ex.s. c 1 s 105 are each
6 amended to read as follows:

7 (1) The moneys deposited in the municipal criminal justice
8 assistance account for distribution under this section shall be
9 distributed at such times as distributions are made under RCW
10 82.44.150. Such moneys shall be distributed to the cities of the state
11 as follows:

12 (a) For fiscal year 1991, each city with a population of under ten
13 thousand shall receive a distribution of three thousand two hundred
14 fifty dollars. Any remaining moneys shall be distributed to all cities
15 ratably on the basis of population as last determined by the office of
16 financial management.

17 (b) For fiscal year 1992 and thereafter, each city with a
18 population of under ten thousand shall receive a distribution of two
19 thousand seven hundred fifty dollars. Any remaining moneys shall be
20 distributed to all cities ratably on the basis of population as last
21 determined by the office of financial management.

22 (2) Moneys distributed under this section shall be expended
23 exclusively for criminal justice purposes and shall not be used to
24 replace or supplant existing funding. Criminal justice purposes are
25 defined as activities that substantially assist the criminal justice
26 system, which may include circumstances where ancillary benefit to the
27 civil justice system occurs. Existing funding for purposes of this
28 subsection is defined as calendar year 1989 actual operating
29 expenditures for criminal justice purposes. Calendar year 1989 actual

1 operating expenditures for criminal justice purposes exclude the
2 following: Expenditures for extraordinary events not likely to
3 reoccur, changes in contract provisions for criminal justice services,
4 beyond the control of the local jurisdiction receiving the services,
5 and major nonrecurring capital expenditures.

6 (3) This section expires January 1, 1994.

7 **Sec. 5.** RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each
8 amended to read as follows:

9 The legislative authority of any county with a population of two
10 hundred thousand or more, any county located east of the crest of the
11 Cascade mountains with a population of one hundred fifty thousand or
12 more, and any other county with a population of one hundred fifty
13 thousand or more that has had its population increase by at least
14 twenty-four percent during the preceding nine years, as certified by
15 the office of financial management for the first day of April of each
16 year, may and, if requested by resolution of the governing bodies of
17 cities in the county with an aggregate population equal to or greater
18 than fifty percent of the total population of the county, as last
19 determined by the office of financial management, shall submit an
20 authorizing proposition to the voters of the county and if approved by
21 a majority of persons voting, fix and impose a sales and use tax in
22 accordance with the terms of this chapter.

23 The tax authorized in this section shall be in addition to any
24 other taxes authorized by law and shall be collected from those persons
25 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
26 upon the occurrence of any taxable event within such county. The rate
27 of tax shall equal one-tenth of one percent of the selling price (in
28 the case of a sales tax) or value of the article used (in the case of
29 a use tax).

1 When distributing moneys collected under this section, the state
2 treasurer shall distribute ten percent of the moneys to the county in
3 which the tax was collected. The remainder of the moneys collected
4 under this section shall be distributed to the county and the cities
5 within the county ratably based on population as last determined by the
6 office of financial management. In making the distribution based on
7 population, the county shall receive that proportion that the
8 unincorporated population of the county bears to the total population
9 of the county and each city shall receive that proportion that the city
10 incorporated population bears to the total county population.

11 Moneys received from any tax imposed under this section shall be
12 expended exclusively for criminal justice purposes and shall not be
13 used to replace or supplant existing funding. Criminal justice
14 purposes are defined as activities that substantially assist the
15 criminal justice system, which may include circumstances where
16 ancillary benefit to the civil justice system occurs. Existing funding
17 for purposes of this subsection is defined as calendar year 1989 actual
18 operating expenditures for criminal justice purposes. Calendar year
19 1989 actual operating expenditures for criminal justice purposes
20 exclude the following: Expenditures for extraordinary events not
21 likely to reoccur, changes in contract provisions for criminal justice
22 services, beyond the control of the local jurisdiction receiving the
23 services, and major nonrecurring capital expenditures.

24 This section expires January 1, 1994.

25 NEW SECTION. **Sec. 6.** The changes contained in sections 2, 3,
26 4, and 5 of this act are remedial, curative, and clarify ambiguities in
27 prior existing law. These changes shall apply retroactively to July 1,
28 1990.

1 **Sec. 7.** RCW 63.29.190 and 1990 2nd ex.s. c 1 s 301 are each
2 amended to read as follows:

3 (1) Except as otherwise provided in subsections (2) and (3) of this
4 section, a person who is required to file a report under RCW 63.29.170,
5 within six months after the final date for filing the report as
6 required by RCW 63.29.170, shall pay or deliver to the department all
7 abandoned property required to be reported. Counties, cities, towns,
8 and other municipal and quasi-municipal corporations that hold funds
9 representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040,
10 uncashed checks, excess proceeds from property tax and irrigation
11 district foreclosures, and property tax overpayments or refunds may
12 retain the funds until the owner notifies them and establishes
13 ownership as provided in RCW 63.29.135. Counties, cities, towns, or
14 other municipal or quasi-municipal corporations shall provide to the
15 department a report of property it is holding pursuant to this section.
16 The report shall identify the property and owner in the manner provided
17 in RCW 63.29.170 and the department shall publish the information as
18 provided in RCW 63.29.180.

19 (2) If the owner establishes the right to receive the abandoned
20 property to the satisfaction of the holder before the property has been
21 delivered or it appears that for some other reason the presumption of
22 abandonment is erroneous, the holder need not pay or deliver the
23 property to the department, and the property will no longer be presumed
24 abandoned. In that case, the holder shall file with the department a
25 verified written explanation of the proof of claim or of the error in
26 the presumption of abandonment.

27 (3) Property reported under RCW 63.29.170 for which the holder is
28 not required to report the name of the apparent owner must be delivered
29 to the department at the time of filing the report.

1 (4) The holder of an interest under RCW 63.29.100 shall deliver a
2 duplicate certificate or other evidence of ownership if the holder does
3 not issue certificates of ownership to the department. Upon delivery
4 of a duplicate certificate to the department, the holder and any
5 transfer agent, registrar, or other person acting for or on behalf of
6 a holder in executing or delivering the duplicate certificate is
7 relieved of all liability of every kind in accordance with RCW
8 63.29.200 to every person, including any person acquiring the original
9 certificate or the duplicate of the certificate issued to the
10 department, for any losses or damages resulting to any person by the
11 issuance and delivery to the department of the duplicate certificate.

12 NEW SECTION. **Sec. 8.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect immediately.