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HOUSE BILL 1137

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State of Washington

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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 January 21, 1991. Referred to Committee on Local Government.

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; and  
3 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.

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

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

9 (1) The moneys appropriated for distribution under this section  
10 shall be distributed at such times as distributions are made under RCW  
11 82.44.150. Such moneys shall be distributed to the counties of the  
12 state ratably on the basis of population as last determined by the  
13 office of financial management.

14 (2) Moneys distributed under this section shall be expended  
15 exclusively for criminal justice purposes and shall not be used to  
16 replace or supplant existing funding. Criminal justice purposes are  
17 defined as activities that substantially assist the criminal justice  
18 system, which may include circumstances where ancillary benefit to the  
19 civil justice system occurs. Existing funding for purposes of this  
20 subsection is defined as calendar year 1989 actual operating  
21 expenditures for criminal justice purposes.

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

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

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

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

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

7 (b) The city has levied the tax authorized in RCW 82.14.030(2) at  
8 the maximum rate or the tax authorized in RCW 82.46.010(2) at the  
9 maximum rate; and

10 (c) The city has a per capita yield from the tax imposed under RCW  
11 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
12 of the state-wide average per capita yield for all cities from such  
13 local sales and use tax.

14 (3) The moneys deposited in the municipal criminal justice  
15 (~~assistance~~) assistance account for distribution under this section  
16 shall be distributed at such times as distributions are made under RCW  
17 82.44.150. The distributions shall be made as follows:

18 (a) Thirty percent of the moneys shall be distributed ratably based  
19 on population as last determined by the office of financial management  
20 to those cities eligible under subsection (2) of this section that have  
21 a crime rate determined under subsection (2)(a) of this section which  
22 is greater than two times the state-wide average crime rate. No city  
23 may receive more than fifty percent of any moneys distributed under  
24 this subsection (a).

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

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

1 (5) Moneys distributed under this section shall be expended  
2 exclusively for criminal justice purposes and shall not be used to  
3 replace or supplant existing funding. Criminal justice purposes are  
4 defined as activities that substantially assist the criminal justice  
5 system, which may include circumstances where ancillary benefit to the  
6 civil justice system occurs. Existing funding for purposes of this  
7 subsection is defined as calendar year 1989 actual operating  
8 expenditures for criminal justice purposes.

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

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

12 (1) The moneys deposited in the municipal criminal justice  
13 assistance account for distribution under this section shall be  
14 distributed at such times as distributions are made under RCW  
15 82.44.150. Such moneys shall be distributed to the cities of the state  
16 as follows:

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

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

27 (2) Moneys distributed under this section shall be expended  
28 exclusively for criminal justice purposes and shall not be used to  
29 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.

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

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

28 When distributing moneys collected under this section, the state  
29 treasurer shall distribute ten percent of the moneys to the county in

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

9 Moneys received from any tax imposed under this section shall be  
10 expended exclusively for criminal justice purposes and shall not be  
11 used to replace or supplant existing funding. Criminal justice  
12 purposes are defined as activities that substantially assist the  
13 criminal justice system, which may include circumstances where  
14 ancillary benefit to the civil justice system occurs. Existing funding  
15 for purposes of this subsection is defined as calendar year 1989 actual  
16 operating expenditures for criminal justice purposes.

17 This section expires January 1, 1994.

18 **Sec. 6.** RCW 63.29.190 and 1990 2nd ex.s. c 1 s 301 are each  
19 amended to read as follows:

20 (1) Except as otherwise provided in subsections (2) and (3) of this  
21 section, a person who is required to file a report under RCW 63.29.170,  
22 within six months after the final date for filing the report as  
23 required by RCW 63.29.170, shall pay or deliver to the department all  
24 abandoned property required to be reported. Counties, cities, towns,  
25 and other municipal and quasi-municipal corporations that hold funds  
26 representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040,  
27 uncashed checks, excess proceeds from property tax and irrigation  
28 district foreclosures, and property tax overpayments or refunds may  
29 retain the funds until the owner notifies them and establishes

1 ownership as provided in RCW 63.29.135. Counties, cities, towns, or  
2 other municipal or quasi-municipal corporations shall provide to the  
3 department a report of property it is holding pursuant to this section.  
4 The report shall identify the property and owner in the manner provided  
5 in RCW 63.29.170 and the department shall publish the information as  
6 provided in RCW 63.29.180.

7 (2) If the owner establishes the right to receive the abandoned  
8 property to the satisfaction of the holder before the property has been  
9 delivered or it appears that for some other reason the presumption of  
10 abandonment is erroneous, the holder need not pay or deliver the  
11 property to the department, and the property will no longer be presumed  
12 abandoned. In that case, the holder shall file with the department a  
13 verified written explanation of the proof of claim or of the error in  
14 the presumption of abandonment.

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

18 (4) The holder of an interest under RCW 63.29.100 shall deliver a  
19 duplicate certificate or other evidence of ownership if the holder does  
20 not issue certificates of ownership to the department. Upon delivery  
21 of a duplicate certificate to the department, the holder and any  
22 transfer agent, registrar, or other person acting for or on behalf of  
23 a holder in executing or delivering the duplicate certificate is  
24 relieved of all liability of every kind in accordance with RCW  
25 63.29.200 to every person, including any person acquiring the original  
26 certificate or the duplicate of the certificate issued to the  
27 department, for any losses or damages resulting to any person by the  
28 issuance and delivery to the department of the duplicate certificate.

1        NEW SECTION.    **Sec. 7.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 8.**        This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately.