

HOUSE BILL REPORT

HB 2655

*As Passed House
February 17, 1992*

Title: An act relating to municipal criminal justice account distributions based on city crime rates.

Brief Description: Modifying municipal criminal justice account distribution.

Sponsor(s): Representatives Haugen, Horn and Wang; by request of Task Force on City/County Finances.

Brief History:

Reported by House Committee on:
Local Government, February 6, 1992, DP;
Passed House, February 17, 1992, 97-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 14 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; and Wynne.

Staff: Jim Lux (786-7841).

Background: Motor Vehicle Excise Tax monies are distributed to cities for local criminal justice purposes as part of the Criminal Justice Assistance Act, adopted in June 1990. The Legislature established limitations and priorities for distributing funds to high crime cities. Of the total funding for high crime cities, 30 percent is available for cities with crime rates 200 percent or greater than the state-wide average crime rate. Remaining funding is then distributed to high crime cities with crime rates 125 percent or greater than the state-wide average crime rate. To assure that all cities with crime rates of 200 percent or greater receive funding from the 30 percent portion of high crime funds, the Legislature placed a limit in statute. No city can receive more than 50 percent of the funds for cities with crime rates of 200 percent or more. Because of this limitation, the city of Seattle's funding is capped. The cap results in undistributed funds. These excess funds are available for distribution to cities with crime rates of

125 percent or more of the state-wide average crime rate. The state treasurer follows these parameters and priorities to distribute high crime city funding.

In August 1991, the state auditor requested a legal interpretation from the attorney general concerning the distribution of "excess funds" resulting from the 50 percent limitation placed on funding for cities with crime rates at 200 percent or more of the state-wide average crime rate. Stated another way, were the "excess funds" resulting from the capping of Seattle's funding being distributed according to current law? The attorney general responded in a memorandum dated September 19, 1991, that the state treasurer was not distributing the "excess funds" consistent with RCW 82.14.320, subsections (3)(a) and (b).

The attorney general based the interpretation on the following: subsection (3)(a) uses mandatory language directing that 30 percent of the total high crime funding shall be used for cities with crime rates at or above 200 percent of the average state-wide crime rate. Secondly, nothing in subsection (3)(a) states that the 30 percent distribution is to be reduced should any city's share exceed the 50 percent limitation and nothing indicates that such monies should be distributed under subsection (3)(b). Carried further, the attorney general felt its interpretation was consistent with legislative intent which was to earmark a specific portion of state funding to cities experiencing crime rates significantly higher than those of cities eligible for distributions under subsection (3)(b) - cities with crime rates at 125 percent of the state-wide average.

The state treasurer took the auditor/attorney general's interpretation and costed the impact on high crime cities. The result is a significant increase in funding for two high crime cities in the 200 percent category, Pasco and Yakima, at the expense of 32 cities in the 125 percent category.

Additionally, due to improved crime rates, the cities of Wapato and Tacoma are no longer eligible for distributions from the funding provided for cities with crime rates of 200 percent or greater than the state-wide average crime rate.

Summary of Bill: The legislation modifies current statute making it consistent with current distribution methods used by the state treasurer, for high crime cities. The disposition of the "excess funds" is clearly delineated and allows for distribution to high crime cities in the 125 percent or greater category.

In addition, the criteria of 200 percent of the state-wide average crime rate is reduced to 175 percent. This modification will allow Tacoma and Wapato to continue to receive distributions, specifically intended for cities experiencing exceptionally high crime. Ten cities will receive funding. The five cities of Pasco, Seattle, Tacoma, Wapato and Yakima will continue to receive additional funds for combatting exceptionally high crime. The five cities of Elma, Moses Lake, Stanwood, Sunnyside and Toppenish will begin to receive additional high crime funds based on the revised 175 percent criteria.

Fiscal Note: Not requested.

Effective Date: This bill contains an emergency clause and takes effect immediately.

Testimony For: The city of Tacoma will lose high crime funding if this legislation is not adopted. The crime rate no longer exceeds two times the state-wide average, however, the need for maximum high crime funding is necessary for continued crime management. The modification of eligibility criteria from two times the state-wide average crime rate to 1.75 times the state-wide average will keep the city of Tacoma from having to reduce criminal justice expenditures by as much as \$500,000.

Testimony Against: The city of Yakima has not analyzed the available information supporting this legislation. At this time, it is difficult to speak clearly regarding the merits of the bill. If Yakima is adversely affected and loses state funding, then the city opposes the legislation.

Witnesses: Karen Vialle, Mayor, city of Tacoma (in favor); and Dick Zais, City Manager, city of Yakima (opposed).