
SUBSTITUTE SENATE BILL 5185

State of Washington

52nd Legislature

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By Senate Committee on Law & Justice (originally sponsored by Senators Newhouse, Niemi, Anderson, McMullen, Thorsness, Madsen and A. Smith; by request of Task Force on City/County Finances).

Read first time February 19, 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.

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

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

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

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

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

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

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

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

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

27 (3) 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
30 defined as activities that substantially assist the criminal justice

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

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

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

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

18 (2) Moneys distributed under this section shall be expended
19 exclusively for criminal justice purposes and shall not be used to
20 replace or supplant existing funding. Criminal justice purposes are
21 defined as activities that substantially assist the criminal justice
22 system, which may include circumstances where ancillary benefit to the
23 civil justice system occurs. Existing funding for purposes of this
24 subsection is defined as calendar year 1989 actual operating
25 expenditures for criminal justice purposes. Calendar year 1989 actual
26 operating expenditures for criminal justice purposes exclude the
27 following: Expenditures for extraordinary events not likely to
28 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) This section expires January 1, 1994.

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

25 (1) The moneys deposited in the municipal criminal justice
26 assistance account for distribution under this section shall be
27 distributed at such times as distributions are made under RCW
28 82.44.150. Such moneys shall be distributed to the cities of the state
29 as follows:

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

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

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

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

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

27 The legislative authority of any county with a population of two
28 hundred thousand or more, and any other county with a population of one
29 hundred fifty thousand or more that has had its population increase by

1 at least twenty-four percent during the preceding nine years, as
2 certified by the office of financial management for the first day of
3 April of each year, may and, if requested by resolution of the
4 governing bodies of cities in the county with an aggregate population
5 equal to or greater than fifty percent of the total population of the
6 county, as last determined by the office of financial management, shall
7 submit an authorizing proposition to the voters of the county and if
8 approved by a majority of persons voting, fix and impose a sales and
9 use tax in accordance with the terms of this chapter.

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

17 When distributing moneys collected under this section, the state
18 treasurer shall distribute ten percent of the moneys to the county in
19 which the tax was collected. The remainder of the moneys collected
20 under this section shall be distributed to the county and the cities
21 within the county ratably based on population as last determined by the
22 office of financial management. In making the distribution based on
23 population, the county shall receive that proportion that the
24 unincorporated population of the county bears to the total population
25 of the county and each city shall receive that proportion that the city
26 incorporated population bears to the total county population.

27 Moneys received from any tax imposed under this section shall be
28 expended exclusively for criminal justice purposes and shall not be
29 used to replace or supplant existing funding. Criminal justice
30 purposes are defined as activities that substantially assist the

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

10 This section expires January 1, 1994.

11 NEW SECTION. Sec. 6. The changes contained in sections 2, 3,
12 4, and 5 of this act are remedial, curative, and clarify ambiguities in
13 prior existing law. These changes shall apply retroactively to July 1,
14 1990.

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

17 (1) Except as otherwise provided in subsections (2) and (3) of this
18 section, a person who is required to file a report under RCW 63.29.170,
19 within six months after the final date for filing the report as
20 required by RCW 63.29.170, shall pay or deliver to the department all
21 abandoned property required to be reported. Counties, cities, towns,
22 and other municipal and quasi-municipal corporations that hold funds
23 representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040,
24 uncashed checks, excess proceeds from property tax and irrigation
25 district foreclosures, and property tax overpayments or refunds may
26 retain the funds until the owner notifies them and establishes
27 ownership as provided in RCW 63.29.135. Counties, cities, towns, or
28 other municipal or quasi-municipal corporations shall provide to the

1 department a report of property it is holding pursuant to this section.
2 The report shall identify the property and owner in the manner provided
3 in RCW 63.29.170 and the department shall publish the information as
4 provided in RCW 63.29.180.

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

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

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

27 NEW SECTION. **Sec. 8.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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