

SENATE BILL 5185

State of Washington

52nd Legislature

1991 Regular Session

By Senators Newhouse, Niemi, Anderson, McMullen, Thorsness, Madsen and A. Smith.

Read first time January 23, 1991. Referred to Committee on Law & Justice.

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.

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.

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

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

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

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

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

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

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

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

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

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

8 (c) The city has a per capita yield from the tax imposed under RCW
9 82.14.030(1) at the maximum rate of less than one hundred fifty percent
10 of the state-wide average per capita yield for all cities from such
11 local sales and use tax.

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

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

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

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

28 (5) 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 (6) This section expires January 1, 1994.

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

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

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

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

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

1 subsection is defined as calendar year 1989 actual operating
2 expenditures for criminal justice purposes.

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

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

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

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

25 When distributing moneys collected under this section, the state
26 treasurer shall distribute ten percent of the moneys to the county in
27 which the tax was collected. The remainder of the moneys collected
28 under this section shall be distributed to the county and the cities
29 within the county ratably based on population as last determined by the

1 office of financial management. In making the distribution based on
2 population, the county shall receive that proportion that the
3 unincorporated population of the county bears to the total population
4 of the county and each city shall receive that proportion that the city
5 incorporated population bears to the total county population.

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

14 This section expires January 1, 1994.

15 **Sec. 6.** 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
29 department a report of property it is holding pursuant to this section.

1 The report shall identify the property and owner in the manner provided
2 in RCW 63.29.170 and the department shall publish the information as
3 provided in RCW 63.29.180.

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

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

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

26 NEW SECTION. **Sec. 7.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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