

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1137**

Chapter 311, Laws of 1991  
(partial veto)

52nd Legislature  
1991 Regular Session

"CRIMINAL JUSTICE PURPOSES" DEFINED FOR PROVISION ASSISTANCE  
TO LOCAL GOVERNMENTS

EFFECTIVE DATE: 5/20/91

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

JOE KING  
**Speaker of the  
House of Representatives**

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

JOEL PRITCHARD  
**President of the Senate**

Approved May 20, 1991, with  
the exception of section 3,  
which is vetoed.

BOOTH GARDNER  
**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.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 20, 1991 - 2:23 p.m.

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1137**

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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  
6 amended to read as follows:

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

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

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

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

23 (3) *The moneys deposited in the municipal criminal justice*  
24 *((~~assistance~~)) assistance account for distribution under this section*  
25 *shall be distributed at such times as distributions are made under RCW*  
26 *82.44.150. The distributions shall be made as follows:*

27 (a) *Thirty percent of the moneys shall be distributed ratably based*  
28 *on population as last determined by the office of financial management*  
29 *to those cities eligible under subsection (2) of this section that have*  
30 *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. 3 was vetoed, see message at end of chapter.

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

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

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

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

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



1 expenditures for criminal justice purposes. Calendar year 1989 actual  
2 operating expenditures for criminal justice purposes exclude the  
3 following: Expenditures for extraordinary events not likely to  
4 reoccur, changes in contract provisions for criminal justice services,  
5 beyond the control of the local jurisdiction receiving the services,  
6 and major nonrecurring capital expenditures.

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

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

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

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

1 the case of a sales tax) or value of the article used (in the case of  
2 a use tax).

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

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

26 This section expires January 1, 1994.

27 NEW SECTION. **Sec. 6.** The changes contained in sections 2, 3,  
28 4, and 5 of this act are remedial, curative, and clarify ambiguities in

1 prior existing law. These changes shall apply retroactively to July 1,  
2 1990.

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

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

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

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

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

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

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

Passed the House March 1, 1991.

Passed the Senate April 8, 1991.

Approved by the Governor May 20, 1991, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 20, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,  
3 Substitute House Bill No. 1137 entitled:

4 "AN ACT Relating to local government."

5 Substitute House Bill No. 1137 is intended to clarify the  
6 definition of "criminal justice purposes" and to establish a base year  
7 against which to judge supplanting prohibitions of Chapter 1, laws of  
8 1990, 2nd Extraordinary Session. That measure provided financial  
9 assistance to local governments to address the critical needs of their  
10 criminal justice programs.

11 Apart from the direction that the financial assistance provided be  
12 used for criminal justice purposes and that it not replace existing  
13 funds, local governments were left with the discretion to use these  
14 funds where most needed in their communities. This principle of local  
15 determination is an important element in the effective use of these  
16 resources.

17 Section 3 of Substitute House Bill No. 1137 violates this principle  
18 by requiring the city of Seattle to enter into an agreement with the  
19 office of the administrator for the courts to link to the district and  
20 municipal court information system in order to receive funds from the  
21 municipal criminal justice assistance account. Although the efficient  
22 use of criminal justice information is a laudable goal, I cannot  
23 support withholding critically needed funds to effect an administrative  
24 agreement between a state agency and local government.

25 In addition, the Task Force on City and County Finances was given  
26 the mandate to examine "statutory or administrative changes that will  
27 promote efficiencies in local government, including multijurisdictional  
28 coordination of services". The extent to which criminal justice  
29 assistance funds should be used to promote specific activities at the  
30 local level is appropriately left to the task force to recommend.

31 By my veto of section 3, I do not intend to nullify the definitions  
32 provided for the appropriate uses of local government assistance  
33 authorized last year. However, the limitations of gubernatorial veto  
34 power to entire sections of legislation require that the whole of  
35 section 3 be vetoed. I urge the State Auditor to recognize the  
36 Legislature's intentions with respect to these definitions in reviewing  
37 the appropriate use of criminal justice funds by local governments.

38 With the exception of section 3, Substitute House Bill No. 1137 is  
39 approved."