

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2214

Chapter 26, Laws of 1991
(partial veto)

52nd Legislature
1991 Special Session

MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT--CRIMINAL
JUSTICE PURPOSES DEFINED

EFFECTIVE DATE: 7/2/91

Passed by the House June 26, 1991
Yeas 93 Nays 0

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

Passed by the Senate June 24, 1991
Yeas 45 Nays 1

JOEL PRITCHARD
President of the Senate

Approved July 2, 1991, with the
exception of section 2, 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 **HOUSE BILL 2214** as
passed by the House of Representatives
and the Senate on the dates hereon set
forth.

ALAN THOMPSON
Chief Clerk

FILED
July 2, 1991 - 6:20 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2214

AS AMENDED BY THE SENATE

Passed Legislature - 1991 First Special Session

State of Washington **52nd Legislature** **1991 1st Special Session**

By Representatives Haugen, Prince, Wang and Edmondson; by request of Task Force on City/County Finances.

Read first time June 12, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to the municipal criminal justice assistance
2 account; amending RCW 82.14.320; adding a new section to chapter 82.14
3 RCW; creating a new section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** 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;

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

4 (c) The city has a per capita yield from the tax imposed under RCW
5 82.14.030(1) at the maximum rate of less than one hundred fifty percent
6 of the state-wide average per capita yield for all cities from such
7 local sales and use tax.

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

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

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

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

24 (5) 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
30 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 (6) This section expires January 1, 1994.

9 ***NEW SECTION.** *Sec. 2. A new section is added to chapter 82.14 RCW*
10 *to read as follows:*

11 *Beginning in January 1, 1992, no city with a population in excess*
12 *of four hundred thousand shall receive any distribution of moneys from*
13 *the municipal justice assistance account until the city has entered an*
14 *agreement with the office of court administrator regarding the*
15 *utilization of the district and municipal court information system.*
16 *The agreement shall require any municipal court system of such cities*
17 *to be linked to the system and be fully capable of on-line use of the*
18 *data contained therein. The agreement shall specify a date by which*
19 *such linkage and use shall be effective and in no event shall the date*
20 *be later than January 1, 1994, unless funding is not made available by*
21 *the legislature, in which case the date for linkage shall be postponed*
22 *only until such funding is available.*

23 **Sec. 2 was vetoed, see message at end of chapter.*

24 **NEW SECTION.** **Sec. 3.** The changes contained in section 1,
25 chapter --, Laws of 1991 1st ex. sess. (section 1 of this act) are
26 remedial, curative, and clarify ambiguities in prior existing law.
27 These changes shall apply retroactively to July 1, 1990.

1 NEW SECTION. **Sec. 4.** 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. 5.** 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.

 Passed the House June 26, 1991.

 Passed the Senate June 24, 1991.

 Approved by the Governor July 2, 1991, with the exception of
 certain items which were vetoed.

 Filed in Office of Secretary of State July 2, 1991.

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

2 "I am returning herewith, without my approval as to section 2,
3 House Bill No. 2214 entitled:

4 "AN ACT Relating to the municipal criminal justice assistance
5 account."

6 This bill was intended to rectify an ambiguity resulting from a
7 partial veto of Chapter 311, Laws of 1991. That measure defined
8 criminal justice purposes and established a base year for supplanting
9 provisions of the local criminal justice assistance provided by the
10 Legislature in 1990. Section 3 of Chapter 311, Laws of 1991, contained
11 the same language as sections 1 and 2 of this bill.

12 I vetoed section 3 because I believe it to be inappropriate to
13 withhold critically needed criminal justice funds to effect an
14 administrative agreement between two public entities. For these same
15 reasons, I am vetoing section 2 of House Bill No. 2214.

16 With the exception of section 2, House Bill No. 2214 is approved."