
SENATE BILL 5589

State of Washington

61st Legislature

2009 Regular Session

By Senators Pridemore, Tom, and Murray

Read first time 01/27/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the consolidation of certain councils, boards,
2 committees, and commissions; amending RCW 43.121.050, 70.190.010,
3 70.190.040, 70.190.100, 43.60A.010, 43.60A.080, 43.20.025, 43.101.280,
4 18.210.070, 70.118.110, 9.46.070, 67.16.010, 67.16.020, 67.16.101,
5 67.16.102, 67.16.105, 67.16.130, 67.16.140, 67.16.150, 67.16.160,
6 67.16.260, 67.16.270, 67.16.275, 67.16.280, 67.16.285, and 43.15.020;
7 reenacting and amending RCW 2.56.030 and 43.79A.040; adding a new
8 section to chapter 43.121 RCW; adding a new chapter to Title 43 RCW;
9 creating new sections; repealing RCW 70.190.020, 43.60A.170,
10 43.131.405, 43.131.406, 43.113.005, 43.113.010, 43.113.020, 43.113.030,
11 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.045, 43.115.060,
12 43.115.900, 43.117.010, 43.117.020, 43.117.030, 43.117.040, 43.117.050,
13 43.117.060, 43.117.070, 43.117.080, 43.117.090, 43.117.100, 43.117.110,
14 43.117.900, 70.118.100, 67.16.012, 67.16.014, 67.16.015, 67.16.017, and
15 67.16.040; and providing an effective date.

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

17 NEW SECTION. **Sec. 1.** The children and family services advisory
18 committee shall consolidate region (2)(A) and region (6)(A) into a

1 single region by July 1, 2010. Duplicate services must be eliminated
2 as appropriate.

3 **Sec. 2.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to read
4 as follows:

5 To carry out the purposes of this chapter and chapter 70.190 RCW,
6 the council may:

7 (1) Contract with public or private nonprofit organizations,
8 agencies, schools, or with qualified individuals for the establishment
9 of community-based educational and service programs designed to:

10 (a) Reduce the occurrence of child abuse and neglect; and

11 (b) Provide for parenting skills which include: Consistency in
12 parenting; providing children with positive discipline that provides
13 firm order without hurting children physically or emotionally; and
14 preserving and nurturing the family unit. Programs to provide these
15 parenting skills may include the following:

16 (i) Programs to teach positive methods of disciplining children;

17 (ii) Programs to educate parents about the physical, mental, and
18 emotional development of children;

19 (iii) Programs to enhance the skills of parents in providing for
20 their children's learning and development; and

21 (iv) Learning experiences for children and parents to help prepare
22 parents and children for the experiences in school. Contracts also may
23 be awarded for research programs related to primary and secondary
24 prevention of child abuse and neglect, and to develop and strengthen
25 community child abuse and neglect prevention networks. Each contract
26 entered into by the council shall contain a provision for the
27 evaluation of services provided under the contract. Contracts for
28 services to prevent child abuse and child neglect shall be awarded as
29 demonstration projects with continuation based upon goal attainment.
30 Contracts for services to prevent child abuse and child neglect shall
31 be awarded on the basis of probability of success based in part upon
32 sound research data.

33 (2) Facilitate the exchange of information between groups concerned
34 with families and children.

35 (3) Consult with applicable state agencies, commissions, and boards
36 to help determine the probable effectiveness, fiscal soundness, and

1 need for proposed educational and service programs for the prevention
2 of child abuse and neglect.

3 (4) Establish fee schedules to provide for the recipients of
4 services to reimburse the state general fund for the cost of services
5 received.

6 (5) Adopt its own bylaws.

7 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out
8 the purposes of this chapter and chapter 70.190 RCW.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.121 RCW
10 to read as follows:

11 To the extent that any power or duty of the council may duplicate
12 efforts of existing councils, commissions, advisory committees, or
13 other entities, the governor is authorized to take necessary actions to
14 eliminate such duplication, which includes the authority to consolidate
15 similar councils or activities in a manner consistent with the goals of
16 this chapter.

17 **Sec. 4.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Administrative costs" means the costs associated with
22 procurement; payroll processing; personnel functions; management;
23 maintenance and operation of space and property; data processing and
24 computer services; accounting; budgeting; auditing; indirect costs; and
25 organizational planning, consultation, coordination, and training.

26 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

27 (3) "At-risk" children are children who engage in or are victims of
28 at-risk behaviors.

29 (4) "At-risk behaviors" means violent delinquent acts, teen
30 substance abuse, teen pregnancy and male parentage, teen suicide
31 attempts, dropping out of school, child abuse or neglect, and domestic
32 violence.

33 (5) "Community public health and safety networks" or "networks"
34 means the organizations authorized under RCW 70.190.060.

35 (6) "Comprehensive plan" means a two-year plan that examines

1 available resources and unmet needs for a county or multicounty area,
2 barriers that limit the effective use of resources, and a plan to
3 address these issues that is broadly supported by local residents.

4 (7) "Participating state agencies" means the office of the
5 superintendent of public instruction, the department of social and
6 health services, the department of health, the employment security
7 department, the department of community, trade, and economic
8 development, and such other departments as may be specifically
9 designated by the governor.

10 (8) (~~("Family policy council" or)~~) "Council" means the
11 (~~(superintendent of public instruction, the secretary of social and~~
12 ~~health services, the secretary of health, the commissioner of the~~
13 ~~employment security department, and the director of the department of~~
14 ~~community, trade, and economic development or their designees, one~~
15 ~~legislator from each caucus of the senate and house of representatives,~~
16 ~~and one representative of the governor)) council for children and
17 families.~~

18 (9) "Fiduciary interest" means (a) the right to compensation from
19 a health, educational, social service, or justice system organization
20 that receives public funds, or (b) budgetary or policy-making authority
21 for an organization listed in (a) of this subsection. A person who
22 acts solely in an advisory capacity and receives no compensation from
23 a health, educational, social service, or justice system organization,
24 and who has no budgetary or policy-making authority is deemed to have
25 no fiduciary interest in the organization.

26 (10) "Outcome" or "outcome based" means defined and measurable
27 outcomes used to evaluate progress in reducing the rate of at-risk
28 children and youth through reducing risk factors and increasing
29 protective factors.

30 (11) "Matching funds" means an amount no less than twenty-five
31 percent of the amount budgeted for a network. The network's matching
32 funds may be in-kind goods and services. Funding sources allowable for
33 match include appropriate federal or local levy funds, private
34 charitable funding, and other charitable giving. Basic education funds
35 shall not be used as a match. State general funds shall not be used as
36 a match for violence reduction and drug enforcement account funds
37 created under RCW 69.50.520.

1 (12) "Policy development" has the same meaning as provided in RCW
2 43.70.010.

3 (13) "Protective factors" means those factors determined by the
4 department of health to be empirically associated with behaviors that
5 contribute to socially acceptable and healthy nonviolent behaviors.
6 Protective factors include promulgation, identification, and acceptance
7 of community norms regarding appropriate behaviors in the area of
8 delinquency, early sexual activity, alcohol and substance abuse,
9 educational opportunities, employment opportunities, and absence of
10 crime.

11 (14) "Risk factors" means those factors determined by the
12 department of health to be empirically associated with at-risk
13 behaviors that contribute to violence.

14 **Sec. 5.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to
15 read as follows:

16 (1) The legislature finds that helping children to arrive at school
17 ready to learn is an important part of improving student learning.

18 (2) To the extent funds are appropriated, the ((family policy))
19 council shall award grants to community-based consortiums that submit
20 comprehensive plans that include strategies to improve readiness to
21 learn.

22 **Sec. 6.** RCW 70.190.100 and 1998 c 245 s 123 are each amended to
23 read as follows:

24 The ((family policy)) council shall:

25 (1) Establish network boundaries no later than July 1, 1994. There
26 is a presumption that no county may be divided between two or more
27 community networks and no network shall have fewer than forty thousand
28 population. When approving multicounty networks, considering dividing
29 a county between networks, or creating a network with a population of
30 less than forty thousand, the council must consider: (a) Common
31 economic, geographic, and social interests; (b) historical and existing
32 shared governance; and (c) the size and location of population centers.
33 Individuals and groups within any area shall be given ample opportunity
34 to propose network boundaries in a manner designed to assure full
35 consideration of their expressed wishes;

1 (2) Develop a technical assistance and training program to assist
2 communities in creating and developing community networks and
3 comprehensive plans;

4 (3) Approve the structure, purpose, goals, plan, and performance
5 measurements of each community network;

6 (4) Identify all prevention and early intervention programs and
7 funds, including all programs funded under RCW 69.50.520, in addition
8 to the programs set forth in RCW 70.190.110, which could be
9 transferred, in all or part, to the community networks, and report
10 their findings and recommendations to the governor and the legislature
11 regarding any appropriate program transfers by January 1 of each year;

12 (5) Reward community networks that show exceptional success as
13 provided in RCW 43.41.195;

14 (6) Seek every opportunity to maximize federal and other funding
15 that is consistent with the plans approved by the council for the
16 purpose and goals of this chapter;

17 (7) Review the state-funded out-of-home placement rate before the
18 end of each contract to determine whether the region has sufficiently
19 reduced the rate. If the council determines that there has not been a
20 sufficient reduction in the rate, it may reduce the immediately
21 succeeding grant to the network;

22 (8)(a) The council shall monitor the implementation of programs
23 contracted by participating state agencies by reviewing periodic
24 reports on the extent to which services were delivered to intended
25 populations, the quality of services, and the extent to which service
26 outcomes were achieved at the conclusion of service interventions.
27 This monitoring shall include provision for periodic feedback to
28 community networks;

29 (b) The legislature intends that this monitoring be used by the
30 Washington state institute for public policy, together with public
31 health data on at-risk behaviors and risk and protective factors, to
32 produce an external evaluation of the effectiveness of the networks and
33 their programs. For this reason, and to conserve public funds, the
34 council shall not conduct or contract for the conduct of control group
35 studies, quasi-experimental design studies, or other analysis efforts
36 to attempt to determine the impact of network programs on at-risk
37 behaviors or risk and protective factors; and

1 (9) Review the implementation of chapter 7, Laws of 1994 sp. sess.
2 The report shall use measurable performance standards to evaluate the
3 implementation.

4 NEW SECTION. **Sec. 7.** RCW 70.190.020 (Consolidate efforts of
5 existing entities) and 1994 sp.s. c 7 s 315 & 1992 c 198 s 4 are each
6 repealed.

7 NEW SECTION. **Sec. 8.** The traumatic brain injury grant advisory
8 board must be dissolved by July 1, 2010. The traumatic brain injury
9 council shall assume all duties and powers of the traumatic brain
10 injury grant advisory board necessary to retain any federal grants.

11 **Sec. 9.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read
12 as follows:

13 As used in this chapter the following words and phrases shall have
14 the following meanings unless the context clearly requires otherwise:

15 (1) "Department" means the department of veterans affairs.

16 (2) "Director" means the director of the department of veterans
17 affairs.

18 (3) "Committee" means the veterans affairs advisory committee.

19 (~~(4) "Board" means the veterans innovations program board.~~)

20 **Sec. 10.** RCW 43.60A.080 and 1995 c 25 s 1 are each amended to read
21 as follows:

22 (1) There is hereby created a veterans affairs advisory committee
23 which shall serve in an advisory capacity to the governor and the
24 director of the department of veterans affairs. The committee shall be
25 composed of seventeen members to be appointed by the governor, and
26 shall consist of the following:

27 (a) One representative of the Washington soldiers' home and colony
28 at Orting and one representative of the Washington veterans' home at
29 Retsil. Each home's resident council may nominate up to three
30 individuals whose names are to be forwarded by the director to the
31 governor. In making the appointments, the governor shall consider
32 these recommendations or request additional nominations.

33 (b) One representative each from the three congressionally
34 chartered or nationally recognized veterans service organizations as

1 listed in the current "Directory of Veterans Service Organizations"
2 published by the United States department of veterans affairs with the
3 largest number of active members in the state of Washington as
4 determined by the director. The organizations' state commanders may
5 each submit a list of three names to be forwarded to the governor by
6 the director. In making the appointments, the governor shall consider
7 these recommendations or request additional nominations.

8 (c) Ten members shall be chosen to represent those congressionally
9 chartered or nationally recognized veterans service organizations
10 listed in the directory under (b) of this subsection and having at
11 least one active chapter within the state of Washington. Up to three
12 nominations may be forwarded from each organization to the governor by
13 the director. In making the appointments, the governor shall consider
14 these recommendations or request additional nominations.

15 (d) Two members shall be veterans at large. Any individual or
16 organization may nominate a veteran for an at-large position.
17 Organizational affiliation shall not be a prerequisite for nomination
18 or appointment. All nominations for the at-large positions shall be
19 forwarded by the director to the governor.

20 (e) No organization shall have more than one official
21 representative on the committee at any one time.

22 (f) In making appointments to the committee, care shall be taken to
23 ensure that members represent all geographical portions of the state
24 and minority viewpoints, and that the issues and views of concern to
25 women veterans are represented.

26 (2) All members shall have terms of four years. In the case of a
27 vacancy, appointment shall be only for the remainder of the unexpired
28 term for which the vacancy occurs. No member may serve more than two
29 consecutive terms, with vacancy appointments to an unexpired term not
30 considered as a term. Members appointed before June 11, 1992, shall
31 continue to serve until the expiration of their current terms; and
32 then, subject to the conditions contained in this section, are eligible
33 for reappointment.

34 (3) The committee shall adopt an order of business for conducting
35 its meetings.

36 (4) The committee shall have the following powers and duties:

37 (a) To serve in an advisory capacity to the governor and the
38 director on matters pertaining to the department of veterans affairs;

1 (b) To acquaint themselves fully with the operations of the
2 department and recommend such changes to the governor and the director
3 as they deem advisable; and

4 (c) To exercise the powers granted under RCW 43.60A.160 through
5 43.60A.185 related to the competitive grant program.

6 (5) Members of the committee shall receive no compensation for the
7 performance of their duties but shall receive a per diem allowance and
8 mileage expense according to the provisions of chapter 43.03 RCW.

9 NEW SECTION. Sec. 11. The following acts or parts of acts are
10 each repealed:

11 (1) RCW 43.60A.170 (Competitive grant program--Veterans innovations
12 program board--Travel expenses) and 2006 c 343 s 5;

13 (2) RCW 43.131.405 (Veterans innovations program--Termination) and
14 2006 c 343 s 10; and

15 (3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006
16 c 343 s 11.

17 NEW SECTION. Sec. 12. All boards, committees, and councils
18 related to developmental disabilities created under RCW 43.20A.350 and
19 43.20A.360 must be consolidated into a single state advisory committee
20 on developmental disabilities by June 1, 2010.

21 NEW SECTION. Sec. 13. A Washington state commission on minority
22 affairs is established in the office of the governor.

23 NEW SECTION. Sec. 14. (1) The commission must consist of twelve
24 members appointed by the governor. In making such appointments, the
25 governor shall give due consideration to recommendations submitted to
26 the governor by the commission. The governor may also consider
27 nominations of members made by the various organizations in the state.
28 The governor shall consider nominations for membership based upon
29 maintaining a balanced distribution of ethnic, geographic, sex, age,
30 and occupational representation, where practicable.

31 (2) Appointments must be for three years except in the case of a
32 vacancy, in which event the appointment must be only for the remainder
33 of the unexpired term for which the vacancy occurs. Vacancies must be
34 filled in the same manner as the original appointments.

1 (3) Members must receive reimbursement for travel expenses incurred
2 in the performance of their duties in accordance with RCW 43.03.050 and
3 43.03.060.

4 (4) Seven members constitute a quorum for the purpose of conducting
5 business.

6 (5) The governor shall appoint an executive director.

7 NEW SECTION. **Sec. 15.** The commission shall:

8 (1) Elect one of its members to serve as chair and other officers
9 as necessary to form an executive committee;

10 (2) Adopt rules in accordance with chapter 34.05 RCW; and

11 (3) Meet at the call of the chair or the call of a majority of its
12 members, but no less often than once during any three-month period.

13 The commission may appoint a citizen task force as it deems
14 appropriate.

15 NEW SECTION. **Sec. 16.** The executive director shall employ a staff
16 to consist of state employees pursuant to Title 41 RCW and prescribe
17 their duties as may be necessary to implement the purposes of this
18 chapter.

19 NEW SECTION. **Sec. 17.** (1) The commission shall examine and define
20 issues pertaining to the rights and needs of minorities, and make
21 recommendations to the governor and state agencies with respect to
22 desirable changes in program and law.

23 (2) The commission shall advise state governmental agencies on the
24 development and implementation of comprehensive and coordinated
25 policies, plans, and programs focusing on the special problems and
26 needs of minorities.

27 (3) The commission shall coordinate and assist with statewide
28 celebrations that recognize the contributions to the state by
29 minorities in the arts, the sciences, commerce, and education.

30 (4) Each state department and agency shall provide appropriate and
31 reasonable assistance to the commission as needed in order that the
32 commission may carry out the purposes of this chapter.

33 NEW SECTION. **Sec. 18.** In carrying out its duties, the commission
34 may establish relationships with local governments and private industry

1 that may be needed to promote equal opportunity and benefits to
2 minorities in government, education, economic development, employment,
3 and services.

4 NEW SECTION. **Sec. 19.** (1) The commission may, for the purpose of
5 carrying out the purposes of this chapter, hold public hearings, sit
6 and act at times and places, take testimony, and receive evidence as it
7 deems advisable. The commission may administer oaths or affirmations
8 to witnesses appearing before it. At least five members of the
9 commission must be present to conduct a hearing.

10 (2) The commission may secure directly from any state department or
11 agency information necessary to enable it to carry out the purposes of
12 this chapter. Upon request of the chair of the commission, the head of
13 the department or agency shall furnish the information to the
14 commission.

15 NEW SECTION. **Sec. 20.** The commission may receive gifts, grants,
16 and endowments from public or private sources that may be made from
17 time to time in trust or otherwise for the use and benefit of the
18 purposes of the commission and to expend the same or any income
19 therefrom according to the terms of the gifts, grants, or endowments.

20 NEW SECTION. **Sec. 21.** The legislature declares that:

21 (1) The month of May each year is known as Asian Pacific American
22 heritage month;

23 (2) The fourth week of May is designated as a time for people of
24 this state to celebrate the contributions to the state by Asian Pacific
25 Americans in the arts, the sciences, commerce, and education; and

26 (3) Educational institutions, public entities, and private
27 organizations are encouraged to designate time for appropriate
28 activities in commemoration of the lives, history, achievements, and
29 contributions of Asian Pacific Americans.

30 NEW SECTION. **Sec. 22.** In carrying out its duties, the commission
31 may establish relationships with local governments and private industry
32 that may be needed to promote equal opportunity for minorities in
33 government, education, and employment.

1 NEW SECTION. **Sec. 23.** 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. 24.** Sections 13 through 23 of this act
6 constitute a new chapter in Title 43 RCW.

7 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 43.113.005 (Legislative declaration) and 1992 c 96 s 1;
- 10 (2) RCW 43.113.010 (Commission created) and 1992 c 96 s 2;
- 11 (3) RCW 43.113.020 (Membership--Terms--Vacancies--Quorum--Expenses)
12 and 1992 c 96 s 3;
- 13 (4) RCW 43.113.030 (Powers and duties) and 1992 c 96 s 4;
- 14 (5) RCW 43.115.010 (Legislative declaration) and 1993 c 261 s 1,
15 1987 c 249 s 1, & 1971 ex.s. c 34 s 1;
- 16 (6) RCW 43.115.020 (Commission created) and 1987 c 249 s 2 & 1971
17 ex.s. c 34 s 2;
- 18 (7) RCW 43.115.030 (Membership--Terms--Vacancies--Travel expenses--
19 Quorum) and 1993 c 261 s 2, 1987 c 249 s 3, 1981 c 338 s 15, 1975-'76
20 2nd ex.s. c 34 s 130, & 1971 ex.s. c 34 s 3;
- 21 (8) RCW 43.115.040 (Officers and employees--Rules and regulations)
22 and 1993 c 261 s 3, 1987 c 249 s 4, & 1971 ex.s. c 34 s 4;
- 23 (9) RCW 43.115.045 (Executive director) and 1993 c 261 s 4;
- 24 (10) RCW 43.115.060 (Relationships with local government and
25 private industry) and 1987 c 249 s 6 & 1971 ex.s. c 34 s 6;
- 26 (11) RCW 43.115.900 (Severability--1971 ex.s. c 34) and 1971 ex.s.
27 c 34 s 7;
- 28 (12) RCW 43.117.010 (Legislative declaration) and 2000 c 236 s 1,
29 1995 c 67 s 2, 1983 c 119 s 1, & 1974 ex.s. c 140 s 1;
- 30 (13) RCW 43.117.020 (Definitions) and 1995 c 67 s 3 & 1974 ex.s. c
31 140 s 2;
- 32 (14) RCW 43.117.030 (Commission established) and 1995 c 67 s 4 &
33 1974 ex.s. c 140 s 3;
- 34 (15) RCW 43.117.040 (Membership--Terms--Vacancies--Travel
35 expenses--Quorum--Executive director) and 1982 c 68 s 1, 1981 c 338 s
36 16, 1975-'76 2nd ex.s. c 34 s 131, & 1974 ex.s. c 140 s 4;

- 1 (16) RCW 43.117.050 (Officers--Rules and regulations--Meetings) and
2 1974 ex.s. c 140 s 5;
- 3 (17) RCW 43.117.060 (Staff) and 1974 ex.s. c 140 s 6;
- 4 (18) RCW 43.117.070 (Duties of commission--State agencies to give
5 assistance) and 2007 c 19 s 3, 2000 c 236 s 3, 1995 c 67 s 5, & 1974
6 ex.s. c 140 s 7;
- 7 (19) RCW 43.117.080 (Promotion of equal opportunity and benefits)
8 and 1995 c 67 s 6 & 1974 ex.s. c 140 s 8;
- 9 (20) RCW 43.117.090 (Hearings--Information to be furnished to
10 commission) and 1974 ex.s. c 140 s 9;
- 11 (21) RCW 43.117.100 (Gifts, grants and endowments--Receipt and
12 expenditure) and 1974 ex.s. c 140 s 10;
- 13 (22) RCW 43.117.110 (Asian Pacific American heritage month) and
14 2000 c 236 s 2; and
- 15 (23) RCW 43.117.900 (Severability--1974 ex.s. c 140) and 1974 ex.s.
16 c 140 s 11.

17 **Sec. 26.** RCW 2.56.030 and 2008 c 291 s 4 and 2008 c 279 s 3 are
18 each reenacted and amended to read as follows:

19 The administrator for the courts shall, under the supervision and
20 direction of the chief justice:

- 21 (1) Examine the administrative methods and systems employed in the
22 offices of the judges, clerks, stenographers, and employees of the
23 courts and make recommendations, through the chief justice, for the
24 improvement of the same;
- 25 (2) Examine the state of the dockets of the courts and determine
26 the need for assistance by any court;
- 27 (3) Make recommendations to the chief justice relating to the
28 assignment of judges where courts are in need of assistance and carry
29 out the direction of the chief justice as to the assignments of judges
30 to counties and districts where the courts are in need of assistance;
- 31 (4) Collect and compile statistical and other data and make reports
32 of the business transacted by the courts and transmit the same to the
33 chief justice to the end that proper action may be taken in respect
34 thereto;
- 35 (5) Prepare and submit budget estimates of state appropriations
36 necessary for the maintenance and operation of the judicial system and
37 make recommendations in respect thereto;

1 (6) Collect statistical and other data and make reports relating to
2 the expenditure of public moneys, state and local, for the maintenance
3 and operation of the judicial system and the offices connected
4 therewith;

5 (7) Obtain reports from clerks of courts in accordance with law or
6 rules adopted by the supreme court of this state on cases and other
7 judicial business in which action has been delayed beyond periods of
8 time specified by law or rules of court and make report thereof to
9 supreme court of this state;

10 (8) Act as secretary of the judicial conference referred to in RCW
11 2.56.060;

12 (9) Submit annually, as of February 1st, to the chief justice, a
13 report of the activities of the administrator's office for the
14 preceding calendar year including activities related to courthouse
15 security;

16 (10) Administer programs and standards for the training and
17 education of judicial personnel;

18 (11) Examine the need for new superior court and district court
19 judge positions under an objective workload analysis. The results of
20 the objective workload analysis shall be reviewed by the board for
21 judicial administration which shall make recommendations to the
22 legislature. It is the intent of the legislature that an objective
23 workload analysis become the basis for creating additional district and
24 superior court positions, and recommendations should address that
25 objective;

26 (12) Provide staff to the judicial retirement account plan under
27 chapter 2.14 RCW;

28 (13) Attend to such other matters as may be assigned by the supreme
29 court of this state;

30 (14) Within available funds, develop a curriculum for a general
31 understanding of child development, placement, and treatment resources,
32 as well as specific legal skills and knowledge of relevant statutes
33 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
34 interviewing skills, and special needs of the abused or neglected
35 child. This curriculum shall be completed and made available to all
36 juvenile court judges, court personnel, and service providers and be
37 updated yearly to reflect changes in statutes, court rules, or case
38 law;

1 (15) Develop, in consultation with the entities set forth in RCW
2 2.56.150(3), a comprehensive statewide curriculum for persons who act
3 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
4 be made available July 1, 2008, and include specialty sections on child
5 development, child sexual abuse, child physical abuse, child neglect,
6 domestic violence, clinical and forensic investigative and interviewing
7 techniques, family reconciliation and mediation services, and relevant
8 statutory and legal requirements. The curriculum shall be made
9 available to all superior court judges, court personnel, and all
10 persons who act as guardians ad litem;

11 (16) Develop a curriculum for a general understanding of crimes of
12 malicious harassment, as well as specific legal skills and knowledge of
13 RCW 9A.36.080, relevant cases, court rules, and the special needs of
14 malicious harassment victims. This curriculum shall be made available
15 to all superior court and court of appeals judges and to all justices
16 of the supreme court;

17 (17) Develop, in consultation with the criminal justice training
18 commission and the (~~commissions established under chapters 43.113,~~
19 ~~43.115, and 43.117 RCW~~) Washington state commission on minority
20 affairs established in section 13 of this act, a curriculum for a
21 general understanding of ethnic and cultural diversity and its
22 implications for working with youth of color and their families. The
23 curriculum shall be available to all superior court judges and court
24 commissioners assigned to juvenile court, and other court personnel.
25 Ethnic and cultural diversity training shall be provided annually so as
26 to incorporate cultural sensitivity and awareness into the daily
27 operation of juvenile courts statewide;

28 (18) Authorize the use of closed circuit television and other
29 electronic equipment in judicial proceedings. The administrator shall
30 promulgate necessary standards and procedures and shall provide
31 technical assistance to courts as required;

32 (19) Develop a Washington family law handbook in accordance with
33 RCW 2.56.180;

34 (20) Administer state funds for improving the operation of the
35 courts and provide support for court coordinating councils, under the
36 direction of the board for judicial administration;

37 (21) Administer the family and juvenile court improvement grant
38 program;

1 (22)(a) Administer and distribute amounts appropriated from the
2 equal justice subaccount under RCW 43.08.250(2) for district court
3 judges' and qualifying elected municipal court judges' salary
4 contributions. The administrator for the courts shall develop a
5 distribution formula for these amounts that does not differentiate
6 between district and elected municipal court judges.

7 (b) A city qualifies for state contribution of elected municipal
8 court judges' salaries under (a) of this subsection if:

9 (i) The judge is serving in an elected position;

10 (ii) The city has established by ordinance that a full-time judge
11 is compensated at a rate equivalent to at least ninety-five percent,
12 but not more than one hundred percent, of a district court judge salary
13 or for a part-time judge on a pro rata basis the same equivalent; and

14 (iii) The city has certified to the office of the administrator for
15 the courts that the conditions in (b)(i) and (ii) of this subsection
16 have been met;

17 (23) Subject to the availability of funds specifically appropriated
18 therefor, assist courts in the development and implementation of
19 language assistance plans required under RCW 2.43.090.

20 **Sec. 27.** RCW 43.20.025 and 2006 c 239 s 2 are each amended to read
21 as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Commissions" means the ((~~Washington state commission on~~
25 ~~African American affairs established in chapter 43.113 RCW, the~~
26 ~~Washington state commission on Asian Pacific American affairs~~
27 ~~established in chapter 43.117 RCW, the Washington state commission on~~
28 ~~Hispanic affairs established in chapter 43.115 RCW,~~) Washington state
29 commission on minority affairs established in section 13 of this act
30 and the governor's office of Indian affairs.

31 (2) "Consumer representative" means any person who is not an
32 elected official, who has no fiduciary obligation to a health facility
33 or other health agency, and who has no material financial interest in
34 the rendering of health services.

35 (3) "Council" means the governor's interagency coordinating council
36 on health disparities, convened according to this chapter.

37 (4) "Department" means the department of health.

1 (5) "Health disparities" means the difference in incidence,
2 prevalence, mortality, or burden of disease and other adverse health
3 conditions, including lack of access to proven health care services
4 that exists between specific population groups in Washington state.

5 (6) "Health impact review" means a review of a legislative or
6 budgetary proposal completed according to the terms of this chapter
7 that determines the extent to which the proposal improves or
8 exacerbates health disparities.

9 (7) "Secretary" means the secretary of health, or the secretary's
10 designee.

11 (8) "Local health board" means a health board created pursuant to
12 chapter 70.05, 70.08, or 70.46 RCW.

13 (9) "Local health officer" means the legally qualified physician
14 appointed as a health officer pursuant to chapter 70.05, 70.08, or
15 70.46 RCW.

16 (10) "Social determinants of health" means those elements of social
17 structure most closely shown to affect health and illness, including at
18 a minimum, early learning, education, socioeconomic standing, safe
19 housing, gender, incidence of violence, convenient and affordable
20 access to safe opportunities for physical activity, healthy diet, and
21 appropriate health care services.

22 (11) "State board" means the state board of health created under
23 this chapter (~~(43.20 RCW)~~).

24 **Sec. 28.** RCW 43.101.280 and 2005 c 282 s 46 are each amended to
25 read as follows:

26 The criminal justice training commission shall develop, in
27 consultation with the administrative office of the courts and the
28 (~~commissions established under chapters 43.113, 43.115, and 43.117~~
29 ~~RCW~~) Washington state commission on minority affairs established in
30 section 13 of this act, a curriculum for a general understanding of
31 ethnic and cultural diversity and its implications for working with
32 youth of color and their families. The curriculum shall be developed
33 by October 1, 1993. The commission shall ensure that ethnic and
34 diversity training becomes an integral part of the training of law
35 enforcement personnel so as to incorporate cultural sensitivity and
36 awareness into the daily activities of law enforcement personnel.

1 **Sec. 29.** RCW 18.210.070 and 1999 c 263 s 8 are each amended to
2 read as follows:

3 The advisory committee shall make recommendations to the board
4 regarding:

5 (1) Development and adoption of rules to implement this chapter
6 including, but not limited to, evaluation of experience, examinations,
7 and scope and standards of practice;

8 (2) Development of the material content of examinations for
9 licensure or for a certificate of competency under this chapter;

10 (3) Review of complaints and investigations pertaining to the
11 practice of the design of on-site wastewater treatment systems; (~~and~~)

12 (4) Technical guidelines and standards to keep pace with advancing
13 technologies; and

14 (5) Any other duties deemed necessary by the director or the board.

15 NEW SECTION. **Sec. 30.** RCW 70.118.100 (Alternative systems--
16 Technical review committee) and 1997 c 447 s 3 are each repealed.

17 **Sec. 31.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to
18 read as follows:

19 In order to assure that technical guidelines and standards keep
20 pace with advancing technologies, the department of health in
21 collaboration with the (~~technical review committee,~~) local health
22 departments, and other interested parties, must review and update as
23 appropriate, the state guidelines and standards for alternative on-site
24 sewage disposal every three years. The first review and update must be
25 completed by January 1, 1999.

26 NEW SECTION. **Sec. 32.** The on-site wastewater policy advisory
27 committee named in WAC 246-272A-0410 must be dissolved by June 1, 2010.
28 All powers, duties, or functions that the department of health
29 reasonably determines are necessary must be assigned to the advisory
30 committee named in RCW 18.210.070.

31 NEW SECTION. **Sec. 33.** The HIV early intervention program steering
32 committee must be dissolved by July 1, 2010. The HIV/AIDS education
33 program review panel must assume all duties and powers of the HIV early

1 intervention program steering committee necessary to retain any federal
2 grants.

3 NEW SECTION. **Sec. 34.** The HIV policy collaborative must be
4 dissolved by July 1, 2010. The HIV/AIDS education program review panel
5 must assume all duties and powers of the HIV policy collaborative
6 necessary to retain any federal grants.

7 **Sec. 35.** RCW 9.46.070 and 2007 c 206 s 1 are each amended to read
8 as follows:

9 The commission shall have the following powers and duties:

10 (1) To authorize and issue licenses for a period not to exceed one
11 year to bona fide charitable or nonprofit organizations approved by the
12 commission meeting the requirements of this chapter and any rules and
13 regulations adopted pursuant thereto permitting said organizations to
14 conduct bingo games, raffles, amusement games, and social card games,
15 to utilize punchboards and pull-tabs in accordance with the provisions
16 of this chapter and any rules and regulations adopted pursuant thereto
17 and to revoke or suspend said licenses for violation of any provisions
18 of this chapter or any rules and regulations adopted pursuant thereto:
19 PROVIDED, That the commission shall not deny a license to an otherwise
20 qualified applicant in an effort to limit the number of licenses to be
21 issued: PROVIDED FURTHER, That the commission or director shall not
22 issue, deny, suspend, or revoke any license because of considerations
23 of race, sex, creed, color, or national origin: AND PROVIDED FURTHER,
24 That the commission may authorize the director to temporarily issue or
25 suspend licenses subject to final action by the commission;

26 (2) To license, regulate, and supervise all race meets held in this
27 state under the terms of this chapter and chapter 67.16 RCW, and to
28 cause the various race courses of the state to be visited and inspected
29 at least once a year;

30 (3) To authorize and issue licenses for a period not to exceed one
31 year to any person, association, or organization operating a business
32 primarily engaged in the selling of items of food or drink for
33 consumption on the premises, approved by the commission meeting the
34 requirements of this chapter and any rules and regulations adopted
35 pursuant thereto permitting said person, association, or organization
36 to utilize punchboards and pull-tabs and to conduct social card games

1 as a commercial stimulant in accordance with the provisions of this
2 chapter and any rules and regulations adopted pursuant thereto and to
3 revoke or suspend said licenses for violation of any provisions of this
4 chapter and any rules and regulations adopted pursuant thereto:
5 PROVIDED, That the commission shall not deny a license to an otherwise
6 qualified applicant in an effort to limit the number of licenses to be
7 issued: PROVIDED FURTHER, That the commission may authorize the
8 director to temporarily issue or suspend licenses subject to final
9 action by the commission;

10 ((+3+)) (4) To authorize and issue licenses for a period not to
11 exceed one year to any person, association, or organization approved by
12 the commission meeting the requirements of this chapter and meeting the
13 requirements of any rules and regulations adopted by the commission
14 pursuant to this chapter as now or hereafter amended, permitting said
15 person, association, or organization to conduct or operate amusement
16 games in such manner and at such locations as the commission may
17 determine. The commission may authorize the director to temporarily
18 issue or suspend licenses subject to final action by the commission;

19 ((+4+)) (5) To authorize, require, and issue, for a period not to
20 exceed one year, such licenses as the commission may by rule provide,
21 to any person, association, or organization to engage in the selling,
22 distributing, or otherwise supplying or in the manufacturing of devices
23 for use within this state for those activities authorized by this
24 chapter. The commission may authorize the director to temporarily
25 issue or suspend licenses subject to final action by the commission;

26 ((+5+)) (6) To establish a schedule of annual license fees for
27 carrying on specific gambling activities upon the premises, and for
28 such other activities as may be licensed by the commission, which fees
29 shall provide to the commission not less than an amount of money
30 adequate to cover all costs incurred by the commission relative to
31 licensing under this chapter and the enforcement by the commission of
32 the provisions of this chapter and rules and regulations adopted
33 pursuant thereto: PROVIDED, That all licensing fees shall be submitted
34 with an application therefor and such portion of said fee as the
35 commission may determine, based upon its cost of processing and
36 investigation, shall be retained by the commission upon the withdrawal
37 or denial of any such license application as its reasonable expense for
38 processing the application and investigation into the granting thereof:

1 PROVIDED FURTHER, That if in a particular case the basic license fee
2 established by the commission for a particular class of license is less
3 than the commission's actual expenses to investigate that particular
4 application, the commission may at any time charge to that applicant
5 such additional fees as are necessary to pay the commission for those
6 costs. The commission may decline to proceed with its investigation
7 and no license shall be issued until the commission has been fully paid
8 therefor by the applicant: AND PROVIDED FURTHER, That the commission
9 may establish fees for the furnishing by it to licensees of
10 identification stamps to be affixed to such devices and equipment as
11 required by the commission and for such other special services or
12 programs required or offered by the commission, the amount of each of
13 these fees to be not less than is adequate to offset the cost to the
14 commission of the stamps and of administering their dispersal to
15 licensees or the cost of administering such other special services,
16 requirements or programs;

17 ((+6)) (7) To prescribe the manner and method of payment of taxes,
18 fees and penalties to be paid to or collected by the commission;

19 ((+7)) (8) To require that applications for all licenses contain
20 such information as may be required by the commission: PROVIDED, That
21 all persons (a) having a managerial or ownership interest in any
22 gambling activity, or the building in which any gambling activity
23 occurs, or the equipment to be used for any gambling activity, or (b)
24 participating as an employee in the operation of any gambling activity,
25 shall be listed on the application for the license and the applicant
26 shall certify on the application, under oath, that the persons named on
27 the application are all of the persons known to have an interest in any
28 gambling activity, building, or equipment by the person making such
29 application: PROVIDED FURTHER, That the commission shall require
30 fingerprinting and national criminal history background checks on any
31 persons seeking licenses, certifications, or permits under this chapter
32 or of any person holding an interest in any gambling activity,
33 building, or equipment to be used therefor, or of any person
34 participating as an employee in the operation of any gambling activity.
35 All national criminal history background checks shall be conducted
36 using fingerprints submitted to the United States department of
37 justice-federal bureau of investigation. The commission must establish
38 rules to delineate which persons named on the application are subject

1 to national criminal history background checks. In identifying these
2 persons, the commission must take into consideration the nature,
3 character, size, and scope of the gambling activities requested by the
4 persons making such applications;

5 ~~((+8+))~~ (9) To require that any license holder maintain records as
6 directed by the commission and submit such reports as the commission
7 may deem necessary;

8 ~~((+9+))~~ (10) To require that all income from bingo games, raffles,
9 and amusement games be recorded and reported as established by rule or
10 regulation of the commission to the extent deemed necessary by
11 considering the scope and character of the gambling activity in such a
12 manner that will disclose gross income from any gambling activity,
13 amounts received from each player, the nature and value of prizes, and
14 the fact of distributions of such prizes to the winners thereof;

15 ~~((+10+))~~ (11) To regulate and establish maximum limitations on
16 income derived from bingo. In establishing limitations pursuant to
17 this subsection the commission shall take into account (a) the nature,
18 character, and scope of the activities of the licensee; (b) the source
19 of all other income of the licensee; and (c) the percentage or extent
20 to which income derived from bingo is used for charitable, as
21 distinguished from nonprofit, purposes. However, the commission's
22 powers and duties granted by this subsection are discretionary and not
23 mandatory;

24 ~~((+11+))~~ (12) To regulate and establish the type and scope of and
25 manner of conducting the gambling activities authorized by this
26 chapter, including but not limited to, the extent of wager, money, or
27 other thing of value which may be wagered or contributed or won by a
28 player in any such activities;

29 ~~((+12+))~~ (13) To regulate the collection of and the accounting for
30 the fee which may be imposed by an organization, corporation, or person
31 licensed to conduct a social card game on a person desiring to become
32 a player in a social card game in accordance with RCW 9.46.0282;

33 ~~((+13+))~~ (14) To cooperate with and secure the cooperation of
34 county, city, and other local or state agencies in investigating any
35 matter within the scope of its duties and responsibilities;

36 ~~((+14+))~~ (15) In accordance with RCW 9.46.080, to adopt such rules
37 and regulations as are deemed necessary to carry out the purposes and

1 provisions of this chapter. All rules and regulations shall be adopted
2 pursuant to the administrative procedure act, chapter 34.05 RCW;

3 ~~((+15+))~~ (16) To set forth for the perusal of counties, city-
4 counties, cities and towns, model ordinances by which any legislative
5 authority thereof may enter into the taxing of any gambling activity
6 authorized by this chapter;

7 ~~((+16+))~~ (17)(a) To establish and regulate a maximum limit on
8 salaries or wages which may be paid to persons employed in connection
9 with activities conducted by bona fide charitable or nonprofit
10 organizations and authorized by this chapter, where payment of such
11 persons is allowed, and to regulate and establish maximum limits for
12 other expenses in connection with such authorized activities, including
13 but not limited to rent or lease payments. However, the commissioner's
14 powers and duties granted by this subsection are discretionary and not
15 mandatory.

16 (b) In establishing these maximum limits the commission shall take
17 into account the amount of income received, or expected to be received,
18 from the class of activities to which the limits will apply and the
19 amount of money the games could generate for authorized charitable or
20 nonprofit purposes absent such expenses. The commission may also take
21 into account, in its discretion, other factors, including but not
22 limited to, the local prevailing wage scale and whether charitable
23 purposes are benefited by the activities;

24 ~~((+17+))~~ (18) To authorize, require, and issue for a period not to
25 exceed one year such licenses or permits, for which the commission may
26 by rule provide, to any person to work for any operator of any gambling
27 activity authorized by this chapter in connection with that activity,
28 or any manufacturer, supplier, or distributor of devices for those
29 activities in connection with such business. The commission may
30 authorize the director to temporarily issue or suspend licenses subject
31 to final action by the commission. The commission shall not require
32 that persons working solely as volunteers in an authorized activity
33 conducted by a bona fide charitable or bona fide nonprofit
34 organization, who receive no compensation of any kind for any purpose
35 from that organization, and who have no managerial or supervisory
36 responsibility in connection with that activity, be licensed to do such
37 work. The commission may require that licensees employing such
38 unlicensed volunteers submit to the commission periodically a list of

1 the names, addresses, and dates of birth of the volunteers. If any
2 volunteer is not approved by the commission, the commission may require
3 that the licensee not allow that person to work in connection with the
4 licensed activity;

5 ((+18+)) (19) To publish and make available at the office of the
6 commission or elsewhere to anyone requesting it a list of the
7 commission licensees, including the name, address, type of license, and
8 license number of each licensee;

9 ((+19+)) (20) To establish guidelines for determining what
10 constitutes active membership in bona fide nonprofit or charitable
11 organizations for the purposes of this chapter;

12 ((+20+)) (21) To renew the license of every person who applies for
13 renewal within six months after being honorably discharged, removed, or
14 released from active military service in the armed forces of the United
15 States upon payment of the renewal fee applicable to the license
16 period, if there is no cause for denial, suspension, or revocation of
17 the license; and

18 ((+21+)) (22) To perform all other matters and things necessary to
19 carry out the purposes and provisions of this chapter.

20 **Sec. 36.** RCW 67.16.010 and 2004 c 246 s 5 are each amended to read
21 as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Commission" shall mean the Washington ((horse-racing)) state
25 gambling commission((, hereinafter created)).

26 (2) "Parimutuel machine" shall mean and include both machines at
27 the track and machines at the satellite locations, that record
28 parimutuel bets and compute the payoff.

29 (3) "Person" shall mean and include individuals, firms,
30 corporations and associations.

31 (4) "Race meet" shall mean and include any exhibition of
32 thoroughbred, quarter horse, paint horse, appaloosa horse racing,
33 arabian horse racing, or standard bred harness horse racing, where the
34 parimutuel system is used.

35 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
36 each repealed:

1 (1) RCW 67.16.012 (Washington horse racing commission--Creation--
2 Terms--Vacancies--Bonds--Oaths) and 1998 c 345 s 4, 1987 c 453 s 2,
3 1973 1st ex.s. c 216 s 1, 1969 ex.s. c 233 s 1, & 1933 c 55 s 2;

4 (2) RCW 67.16.014 (Washington horse racing commission--Ex officio
5 nonvoting members) and 1991 c 270 s 2 & 1987 c 453 s 3;

6 (3) RCW 67.16.015 (Washington horse racing commission--
7 Organization--Secretary--Records--Annual reports) and 1977 c 75 s 80 &
8 1933 c 55 s 3; and

9 (4) RCW 67.16.017 (Washington horse racing commission--Compensation
10 and travel expenses) and 1984 c 287 s 100, 1975-'76 2nd ex.s. c 34 s
11 155, & 1969 ex.s. c 233 s 2.

12 **Sec. 38.** RCW 67.16.020 and 2000 c 86 s 5 are each amended to read
13 as follows:

14 (1) It shall be the duty of the commission(~~(, as soon as it is~~
15 ~~possible after its organization,~~)) to prepare and promulgate a complete
16 set of rules and regulations to govern the race meets in this state.
17 It shall determine and announce the place, time and duration of race
18 meets for which license fees are exacted; and it shall be the duty of
19 each person holding a license under the authority of this chapter, and
20 every owner, trainer, jockey, and attendant at any race course in this
21 state, to comply with all rules and regulations promulgated and all
22 orders issued by the commission. It shall be unlawful for any person
23 to hold any race meet without having first obtained and having in force
24 and effect a license issued by the commission as in this chapter
25 provided; and it shall be unlawful for any owner, trainer or jockey to
26 participate in race meets in this state without first securing a
27 license therefor from the (~~(state racing)~~) commission, the fee for
28 which shall be set by the commission which shall offset the cost of
29 administration and shall not be for a period exceeding one year.

30 (2) The commission shall immediately suspend the license of a
31 person who has been certified under RCW 74.20A.320 by the department of
32 social and health services as a person who is not in compliance with a
33 support order. If the person has continued to meet all other
34 requirements for a license under this chapter during the suspension,
35 reissuance of the license shall be automatic upon the department's
36 receipt of a release issued by the department of social and health
37 services stating that the licensee is in compliance with the support

1 order. The procedure in RCW 74.20A.320 is the exclusive administrative
2 remedy for contesting the establishment of noncompliance with a child
3 support order, and suspension of a license under this subsection, and
4 satisfies the requirements of RCW 34.05.422.

5 NEW SECTION. **Sec. 39.** RCW 67.16.040 (Commission to regulate and
6 license meets--Inspection) and 1933 c 55 s 5 are each repealed.

7 **Sec. 40.** RCW 67.16.101 and 2006 c 174 s 2 are each amended to read
8 as follows:

9 The legislature finds that:

10 (1) A primary responsibility of the horse racing commission is the
11 encouragement of the training and development of the equine industry in
12 the state of Washington whether the result of this training and
13 development results in legalized horse racing or in the recreational
14 use of horses;

15 (2) The ((horse—racing)) commission has a further major
16 responsibility to assure that any facility used as a race course should
17 be maintained and upgraded to insure the continued safety of both the
18 public and the horse at any time the facility is used for the training
19 or contesting of these animals;

20 (3) Nonprofit race meets within the state have difficulty in
21 obtaining sufficient funds to provide the maintenance and upgrading
22 necessary to assure this safety at these facilities, or to permit
23 frequent use of these facilities by 4-H children or other horse owners
24 involved in training; and

25 (4) The one percent of the parimutuel machine gross receipts used
26 to pay a special purse to the licensed owners of Washington bred horses
27 is available for the purpose of drawing interest, thereby obtaining
28 funds to be disbursed to achieve the necessary support to these
29 nonprofit race meets.

30 **Sec. 41.** RCW 67.16.102 and 2004 c 246 s 6 are each amended to read
31 as follows:

32 (1) Notwithstanding any other provision of chapter 67.16 RCW to the
33 contrary the licensee shall withhold and shall pay daily to the
34 commission, in addition to the percentages authorized by RCW 67.16.105,
35 one percent of the gross receipts of all parimutuel machines at each

1 race meet which sums shall, at the end of each meet, be paid by the
2 commission to the licensed owners of those horses finishing first,
3 second, third and fourth Washington bred only at each meet from which
4 the additional one percent is derived in accordance with an equitable
5 distribution formula to be promulgated by the commission prior to the
6 commencement of each race meet: PROVIDED, That nothing in this section
7 shall apply to race meets which are nonprofit in nature, are of ten
8 days or less, and have an average daily handle of less than one hundred
9 twenty thousand dollars.

10 (2) The additional one percent specified in subsection (1) of this
11 section shall be deposited by the commission in the (~~Washington horse~~
12 ~~racing~~) gambling commission Washington bred owners' bonus fund account
13 created in RCW 67.16.275. The interest derived from this account shall
14 be distributed annually on an equal basis to those race courses at
15 which independent race meets are held which are nonprofit in nature and
16 are of ten days or less. Prior to receiving a payment under this
17 subsection any new race course shall meet the qualifications set forth
18 in this section for a period of two years. All funds distributed under
19 this subsection shall be used for the purpose of maintaining and
20 upgrading the respective racing courses and equine quartering areas of
21 said nonprofit meets.

22 (3) The commission shall not permit the licensees to take into
23 consideration the benefits derived from this section in establishing
24 purses.

25 (4) The commission is authorized to pay at the end of the calendar
26 year one-half of the one percent collected from a new licensee under
27 subsection (1) of this section for reimbursement of capital
28 construction of that new licensee's new race track for a period of
29 fifteen years. This reimbursement does not include interest earned on
30 that one-half of one percent and such interest shall continue to be
31 collected and disbursed as provided in RCW 67.16.101 and subsection (1)
32 of this section.

33 **Sec. 42.** RCW 67.16.105 and 2004 c 246 s 7 are each amended to read
34 as follows:

35 (1) Licensees of race meets that are nonprofit in nature and are of
36 ten days or less shall be exempt from payment of a parimutuel tax.

1 (2) Licensees that do not fall under subsection (1) of this section
2 shall withhold and pay to the commission daily for each authorized day
3 of parimutuel wagering the following applicable percentage of all daily
4 gross receipts from its in-state parimutuel machines:

5 (a) If the gross receipts of all its in-state parimutuel machines
6 are more than fifty million dollars in the previous calendar year, the
7 licensee shall withhold and pay to the commission daily 1.30 percent of
8 the daily gross receipts; and

9 (b) If the gross receipts of all its in-state parimutuel machines
10 are fifty million dollars or less in the previous calendar year, the
11 licensee shall withhold and pay to the commission daily 1.803 percent
12 of the daily gross receipts.

13 (3) In addition to those amounts in subsection (2) of this section,
14 a licensee shall forward one-tenth of one percent of the daily gross
15 receipts of all its in-state parimutuel machines to the commission for
16 payment to those nonprofit race meets as set forth in RCW 67.16.130 and
17 subsection (1) of this section, but said percentage shall not be
18 charged against the licensee. Payments to nonprofit race meets under
19 this subsection shall be distributed on a pro rata per-race-day basis
20 and used only for purses at race tracks that have been operating under
21 RCW 67.16.130 and subsection (1) of this section for the five
22 consecutive years immediately preceding the year of payment. The
23 commission shall transfer funds generated under subsection (2) of this
24 section equal to the difference between:

25 (a)(i) Funds collected under this subsection (3);

26 (ii) Interest earned from the Washington (~~horse racing~~) gambling
27 commission horse racing operating account created in RCW 67.16.280; and

28 (iii) Fines imposed by the board of stewards in a calendar year;
29 and

30 (b) Three hundred thousand dollars;
31 and distribute that amount under this subsection (3).

32 (4) Beginning July 1, 1999, at the conclusion of each authorized
33 race meet, the commission shall calculate the mathematical average
34 daily gross receipts of parimutuel wagering that is conducted only at
35 the physical location of the live race meet at those race meets of
36 licensees with gross receipts of all their in-state parimutuel machines
37 of more than fifty million dollars. Such calculation shall include
38 only the gross parimutuel receipts from wagering occurring on live

1 racing dates, including live racing receipts and receipts derived from
2 one simulcast race card that is conducted only at the physical location
3 of the live racing meet, which, for the purposes of this subsection, is
4 "the handle." If the calculation exceeds eight hundred eighty-six
5 thousand dollars, the licensee shall within ten days of receipt of
6 written notification by the commission forward to the commission a sum
7 equal to the product obtained by multiplying 0.6 percent by the handle.
8 Sums collected by the commission under this subsection shall be
9 forwarded on the next business day following receipt thereof to the
10 state treasurer to be deposited in the fair fund created in RCW
11 15.76.115.

12 **Sec. 43.** RCW 67.16.130 and 1991 c 270 s 7 are each amended to read
13 as follows:

14 (1) Notwithstanding any other provision of law or of chapter 67.16
15 RCW, the commission may license race meets which are nonprofit in
16 nature, of ten days or less, and which have an average daily handle of
17 one hundred twenty thousand dollars or less, at a daily licensing fee
18 of ten dollars, and the sponsoring nonprofit association shall be
19 exempt from any other fees as provided for in chapter 67.16 RCW or by
20 rule or regulation of the commission: PROVIDED, That the commission
21 may deny the application for a license to conduct a racing meet by a
22 nonprofit association, if same shall be determined not to be a
23 nonprofit association by the (~~Washington state racing~~) commission.

24 (2) Notwithstanding any other provision of law or of chapter 67.16
25 RCW or any rule promulgated by the commission, no license for a race
26 meet which is nonprofit in nature, of ten days or less, and which has
27 an average daily handle of one hundred twenty thousand dollars or less,
28 shall be denied for the reason that the applicant has not installed an
29 electric parimutuel tote board.

30 (3) As a condition to the reduction in fees as provided for in
31 subsection (1) of this section, all fees charged to horse owners,
32 trainers, or jockeys, or any other fee charged for a permit incident to
33 the running of such race meet shall be retained by the commission as
34 reimbursement for its expenses incurred in connection with the
35 particular race meet.

1 **Sec. 44.** RCW 67.16.140 and 1973 1st ex.s. c 216 s 3 are each
2 amended to read as follows:

3 No employee of the ((~~horse racing~~)) commission shall serve as an
4 employee of any track at which that individual will also serve as an
5 employee of the commission.

6 **Sec. 45.** RCW 67.16.150 and 1973 1st ex.s. c 216 s 4 are each
7 amended to read as follows:

8 No employee nor any commissioner of the ((~~horse racing~~)) commission
9 shall have any financial interest whatsoever, other than an ownership
10 interest in a community venture, in any track at which said employee
11 serves as an agent or employee of the commission or at any track with
12 respect to a commissioner.

13 **Sec. 46.** RCW 67.16.160 and 2004 c 274 s 3 are each amended to read
14 as follows:

15 (~~No later than ninety days after July 16, 1973, the horse racing~~)
16 The commission shall adopt, pursuant to chapter 34.05 RCW, reasonable
17 rules implementing to the extent applicable to the circumstances of the
18 ((~~horse racing~~)) commission the conflict of interest laws of the state
19 of Washington as set forth in chapter 42.52 RCW. In no case may a
20 commissioner make any wager on the outcome of a horse race at a race
21 meet conducted under the authority of the commission.

22 **Sec. 47.** RCW 67.16.260 and 2007 c 209 s 1 are each amended to read
23 as follows:

24 (1) The ((~~horse racing~~)) commission may authorize advance deposit
25 wagering to be conducted by:

26 (a) A licensed class 1 racing association operating a live horse
27 racing facility; or

28 (b) The operator of an advance deposit wagering system accepting
29 wagers pursuant to an agreement with a licensed class 1 racing
30 association. The agreement between the operator and the class 1 racing
31 association must be approved by the commission.

32 (2) An entity authorized to conduct advance deposit wagering under
33 subsection (1) of this section:

34 (a) May accept advance deposit wagering for races conducted in this
35 state under a class 1 license or races not conducted within this state

1 on a schedule approved by the class 1 licensee. A system of advance
2 deposit wagering located outside or within this state may not accept
3 wagers from residents or other individuals located within this state,
4 and residents or other individuals located within this state are
5 prohibited from placing wagers through advance deposit wagering
6 systems, except with an entity authorized to conduct advance deposit
7 wagering under subsection (1) of this section;

8 (b) May not accept an account wager in an amount in excess of the
9 funds on deposit in the advance deposit wagering account of the
10 individual placing the wager;

11 (c) May not allow individuals under the age of twenty-one to open,
12 own, or have access to an advance deposit wagering account;

13 (d) Must include a statement in all forms of advertising for
14 advance deposit wagering that individuals under the age of twenty-one
15 are not allowed to open, own, or have access to an advance deposit
16 wagering account; and

17 (e) Must verify the identification, residence, and age of the
18 advance deposit wagering account holder using methods and technologies
19 approved by the commission.

20 (3) As used in this section, "advance deposit wagering" means a
21 form of parimutuel wagering in which an individual deposits money in an
22 account with an entity authorized by the commission to conduct advance
23 deposit wagering and then the account funds are used to pay for
24 parimutuel wagers made in person, by telephone, or through
25 communication by other electronic means.

26 (4) In order to participate in advance deposit wagering, the holder
27 of a class 1 racing association license must have conducted at least
28 one full live racing season. All class 1 racing associations must
29 complete a live race meet within each succeeding twelve-month period to
30 maintain eligibility to continue participating in advance deposit
31 wagering.

32 (5) When more than one class 1 racing association is participating
33 in advance deposit wagering the moneys paid to the racing associations
34 shall be allocated proportionate to the gross amount of all sources of
35 parimutuel wagering during each twelve-month period derived from the
36 associations' live race meets. This percentage must be calculated
37 annually. Revenue derived from advance deposit wagers placed on races

1 conducted by the class 1 racing association shall all be allocated to
2 that association.

3 (6) The commission shall adopt rules regulating advance deposit
4 wagering.

5 **Sec. 48.** RCW 67.16.270 and 2004 c 246 s 1 are each amended to read
6 as follows:

7 Upon making a determination that an individual or licensee has
8 violated a commission rule, the board of stewards may assess a fine,
9 suspend or revoke a person's license, or any combination of these
10 penalties. The commission must adopt by rule standard penalties for a
11 rules violation. All fines collected must be deposited in the
12 ((Washington horse racing)) gambling commission class C purse fund
13 account, created in RCW 67.16.285, and used as authorized in RCW
14 67.16.105(3).

15 **Sec. 49.** RCW 67.16.275 and 2004 c 246 s 2 are each amended to read
16 as follows:

17 The Washington ((horse racing)) gambling commission Washington bred
18 owners' bonus fund account is created in the custody of the state
19 treasurer. All receipts collected by the commission under RCW
20 67.16.102(1) must be deposited into the account. Expenditures from the
21 account may be used only as authorized in RCW 67.16.102. Only the
22 secretary of the commission or the secretary's designee may authorize
23 expenditures from the account. The account is subject to allotment
24 procedures under chapter 43.88 RCW, but an appropriation is not
25 required for expenditures.

26 **Sec. 50.** RCW 67.16.280 and 2006 c 174 s 1 are each amended to read
27 as follows:

28 (1) The Washington ((horse racing)) gambling commission horse
29 racing operating account is created in the custody of the state
30 treasurer. All receipts collected by the commission under RCW
31 67.16.105(2) must be deposited into the account. Moneys in the account
32 may be spent only after appropriation. Except as provided in
33 subsection (2) of this section, expenditures from the account may be
34 used only for operating expenses of the commission. Investment

1 earnings from the account must be distributed to the ((~~Washington horse~~
2 ~~racing~~)) gambling commission class C purse fund account, created in RCW
3 67.16.285, pursuant to RCW 43.79A.040.

4 (2) In order to provide funding in support of the legislative
5 findings in RCW 67.16.101 (1) through (3), and to provide additional
6 necessary support to the nonprofit race meets beyond the funding
7 provided by RCW 67.16.101(4) and 67.16.102(2), the commission is
8 authorized to spend up to three hundred thousand dollars per fiscal
9 year from its operating account for the purpose of developing the
10 equine industry, maintaining and upgrading racing facilities, and
11 assisting equine health research. When determining how to allocate the
12 funds available for these purposes, the commission shall give first
13 consideration to uses that assist the nonprofit race meets and equine
14 health research. These expenditures may occur only when sufficient
15 funds remain for the continued operations of the ((~~horse racing~~))
16 commission.

17 **Sec. 51.** RCW 67.16.285 and 2004 c 246 s 4 are each amended to read
18 as follows:

19 The ((~~Washington horse racing~~)) gambling commission class C purse
20 fund account is created in the custody of the state treasurer. All
21 receipts from RCW 67.16.105(3) must be deposited into the account.
22 Expenditures from the account may be used only for the purposes
23 provided in RCW 67.16.105(3). Only the secretary of the commission or
24 the secretary's designee may authorize expenditures from the account.
25 The account is subject to allotment procedures under chapter 43.88 RCW,
26 but an appropriation is not required for expenditures.

27 **Sec. 52.** RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008
28 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read
29 as follows:

30 (1) Money in the treasurer's trust fund may be deposited, invested,
31 and reinvested by the state treasurer in accordance with RCW 43.84.080
32 in the same manner and to the same extent as if the money were in the
33 state treasury.

34 (2) All income received from investment of the treasurer's trust
35 fund shall be set aside in an account in the treasury trust fund to be
36 known as the investment income account.

1 (3) The investment income account may be utilized for the payment
2 of purchased banking services on behalf of treasurer's trust funds
3 including, but not limited to, depository, safekeeping, and
4 disbursement functions for the state treasurer or affected state
5 agencies. The investment income account is subject in all respects to
6 chapter 43.88 RCW, but no appropriation is required for payments to
7 financial institutions. Payments shall occur prior to distribution of
8 earnings set forth in subsection (4) of this section.

9 (4)(a) Monthly, the state treasurer shall distribute the earnings
10 credited to the investment income account to the state general fund
11 except under (b) and (c) of this subsection.

12 (b) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's or fund's
14 average daily balance for the period: The Washington promise
15 scholarship account, the college savings program account, the
16 Washington advanced college tuition payment program account, the
17 agricultural local fund, the American Indian scholarship endowment
18 fund, the foster care scholarship endowment fund, the foster care
19 endowed scholarship trust fund, the students with dependents grant
20 account, the basic health plan self-insurance reserve account, the
21 contract harvesting revolving account, the Washington state combined
22 fund drive account, the commemorative works account, the Washington
23 international exchange scholarship endowment fund, the toll collection
24 account, the developmental disabilities endowment trust fund, the
25 energy account, the fair fund, the family leave insurance account, the
26 food animal veterinarian conditional scholarship account, the fruit and
27 vegetable inspection account, the future teachers conditional
28 scholarship account, the game farm alternative account, the GET ready
29 for math and science scholarship account, the grain inspection
30 revolving fund, the juvenile accountability incentive account, the law
31 enforcement officers' and firefighters' plan 2 expense fund, the local
32 tourism promotion account, the pilotage account, the produce railcar
33 pool account, the regional transportation investment district account,
34 the rural rehabilitation account, the stadium and exhibition center
35 account, the youth athletic facility account, the self-insurance
36 revolving fund, the sulfur dioxide abatement account, the children's
37 trust fund, the ((~~Washington horse racing~~)) gambling commission
38 Washington bred owners' bonus fund account, the ((~~Washington horse~~

1 ~~rac~~ing)) gambling commission class C purse fund account, the individual
2 development account program account, the ((~~Washington horse racing~~))
3 gambling commission horse racing operating account (earnings from the
4 Washington ((~~horse racing~~)) gambling commission horse racing operating
5 account must be credited to the ((~~Washington horse racing~~)) gambling
6 commission class C purse fund account), the life sciences discovery
7 fund, the Washington state heritage center account, the reduced
8 cigarette ignition propensity account, and the reading achievement
9 account. However, the earnings to be distributed shall first be
10 reduced by the allocation to the state treasurer's service fund
11 pursuant to RCW 43.08.190.

12 (c) The following accounts and funds shall receive eighty percent
13 of their proportionate share of earnings based upon each account's or
14 fund's average daily balance for the period: The advanced right-of-way
15 revolving fund, the advanced environmental mitigation revolving
16 account, the city and county advance right-of-way revolving fund, the
17 federal narcotics asset forfeitures account, the high occupancy vehicle
18 account, the local rail service assistance account, and the
19 miscellaneous transportation programs account.

20 (5) In conformance with Article II, section 37 of the state
21 Constitution, no trust accounts or funds shall be allocated earnings
22 without the specific affirmative directive of this section.

23 **Sec. 53.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to read
24 as follows:

25 The lieutenant governor serves as president of the senate and is
26 responsible for making appointments to, and serving on, the committees
27 and boards as set forth in this section.

28 (1) The lieutenant governor serves on the following boards and
29 committees:

30 (a) Capitol furnishings preservation committee, RCW 27.48.040;

31 (b) Washington higher education facilities authority, RCW
32 28B.07.030;

33 (c) Productivity board, also known as the employee involvement and
34 recognition board, RCW 41.60.015;

35 (d) State finance committee, RCW 43.33.010;

36 (e) State capitol committee, RCW 43.34.010;

37 (f) Washington health care facilities authority, RCW 70.37.030;

1 (g) State medal of merit nominating committee, RCW 1.40.020;
2 (h) Medal of valor committee, RCW 1.60.020; and
3 (i) Association of Washington generals, RCW 43.15.030.
4 (2) The lieutenant governor, and when serving as president of the
5 senate, appoints members to the following boards and committees:
6 (a) Organized crime advisory board, RCW 43.43.858;
7 (b) Civil legal aid oversight committee, RCW 2.53.010;
8 (c) Office of public defense advisory committee, RCW 2.70.030;
9 (d) Washington state gambling commission, RCW 9.46.040;
10 (e) Sentencing guidelines commission, RCW 9.94A.860;
11 (f) State building code council, RCW 19.27.070;
12 (g) Women's history consortium board of advisors, RCW 27.34.365;
13 (h) Financial literacy public-private partnership, RCW 28A.300.450;
14 (i) Joint administrative rules review committee, RCW 34.05.610;
15 (j) Capital projects advisory review board, RCW 39.10.220;
16 (k) Select committee on pension policy, RCW 41.04.276;
17 (l) Legislative ethics board, RCW 42.52.310;
18 (m) Washington citizens' commission on salaries, RCW 43.03.305;
19 (n) Legislative oral history (~~(advisory)~~) committee, RCW
20 (~~(43.07.230)~~) 44.04.325;
21 (o) State council on aging, RCW 43.20A.685;
22 (p) State investment board, RCW 43.33A.020;
23 (q) Capitol campus design advisory committee, RCW 43.34.080;
24 (r) Washington state arts commission, RCW 43.46.015;
25 (s) Information services board, RCW 43.105.032;
26 (t) K-20 educational network board, RCW 43.105.800;
27 (u) Municipal research council, RCW 43.110.010;
28 (~~(Council for children and families, RCW 43.121.020;~~
29 ~~(w))~~) PNWER-Net working subgroup under chapter 43.147 RCW;
30 (~~(x))~~) (w) Community economic revitalization board, RCW
31 43.160.030;
32 (~~(y))~~) (x) Washington economic development finance authority, RCW
33 43.163.020;
34 (~~(z) Tourism development advisory committee, RCW 43.330.095;~~
35 ~~(aa))~~) (y) Life sciences discovery fund authority, RCW 43.350.020;
36 (~~(bb))~~) (z) Legislative children's oversight committee, RCW
37 44.04.220;

1 ~~((+ee+))~~ (aa) Joint legislative audit and review committee, RCW
2 44.28.010;
3 ~~((+dd+))~~ (bb) Joint committee on energy supply and energy
4 conservation, RCW 44.39.015;
5 ~~((+ee+))~~ (cc) Legislative evaluation and accountability program
6 committee, RCW 44.48.010;
7 ~~((+ff+))~~ (dd) Agency council on coordinated transportation, RCW
8 47.06B.020;
9 ~~((+gg+))~~ (ee) Manufactured housing task force, RCW 59.22.090;
10 ~~((+hh+))~~ ~~Washington horse racing commission, RCW 67.16.014;~~
11 ~~((+ii+))~~ (ff) Correctional industries board of directors, RCW
12 72.09.080;
13 ~~((+jj+))~~ (gg) Joint committee on veterans' and military affairs,
14 RCW 73.04.150;
15 ~~((+kk+))~~ (hh) Washington state parks centennial advisory committee,
16 RCW 79A.75.010;
17 ~~((+ll+))~~ ~~Puget Sound council, RCW 90.71.030;~~
18 ~~((+mm+))~~ (ii) Joint legislative committee on water supply during
19 drought, RCW 90.86.020;
20 ~~((+nn+))~~ (jj) Statute law committee, RCW 1.08.001; and
21 ~~((+oo+))~~ (kk) Joint legislative oversight committee on trade
22 policy, RCW 44.55.020.

23 NEW SECTION. Sec. 54. (1) All documents and papers, equipment, or
24 other tangible property in the possession of a consolidated or
25 dissolved entity under this act shall be delivered to the custody of
26 the entity assuming the responsibilities of the consolidated or
27 dissolved entity or if such responsibilities have been eliminated,
28 documents and papers shall be delivered to the state archivist and
29 equipment or other tangible property to the department of general
30 administration.

31 (2) All funds held by, or other moneys due to, the consolidated or
32 dissolved entity shall revert to the fund from which they were
33 appropriated, or if that fund is abolished to the general fund.

34 (3) All contractual rights and duties of an entity shall be
35 assigned or delegated to the entity assuming the responsibilities of
36 the consolidated or dissolved entity, or if there is none to such
37 entity as the governor shall direct.

1 NEW SECTION. **Sec. 55.** Sections 35 through 52 of this act take
2 effect August 1, 2009.

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