
HOUSE BILL 2774

State of Washington 57th Legislature 2002 Regular Session

By Representatives Clements, Linville, Chandler and Grant

Read first time 01/28/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to creating the Washington state gaming commission;
2 amending RCW 9.46.0221 and 9.46.040; adding a new section to chapter
3 9.46 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 9.46.0221 and 1987 c 4 s 7 are each amended to read as
6 follows:

7 "Commission," as used in this chapter, means the Washington state
8 (~~gambling~~) gaming commission created in RCW 9.46.040.

9 **Sec. 2.** RCW 9.46.040 and 1974 ex.s. c 155 s 12 are each amended to
10 read as follows:

11 There shall be a commission, known as the "Washington state
12 (~~gambling~~) gaming commission", consisting of five members appointed
13 by the governor with the consent of the senate. The members of the
14 commission shall be appointed within thirty days of July 16, 1973 for
15 terms beginning July 1, 1973, and expiring as follows: One member of
16 the commission for a term expiring July 1, 1975; one member of the
17 commission for a term expiring July 1, 1976; one member of the
18 commission for a term expiring July 1, 1977; one member of the

1 commission for a term expiring July 1, 1978; and one member of the
2 commission for a term expiring July 1, 1979; each as the governor so
3 determines. Their successors, all of whom shall be citizen members
4 appointed by the governor with the consent of the senate, upon being
5 appointed and qualified, shall serve six year terms: PROVIDED, That no
6 member of the commission who has served a full six year term shall be
7 eligible for reappointment. In case of a vacancy, it shall be filled
8 by appointment by the governor for the unexpired portion of the term in
9 which said vacancy occurs. No vacancy in the membership of the
10 commission shall impair the right of the remaining member or members to
11 act, except as in RCW 9.46.050(2) provided.

12 In addition to the members of the commission there shall be four ex
13 officio members without vote from the legislature consisting of: (1)
14 Two members of the senate, one from the majority political party and
15 one from the minority political party, both to be appointed by the
16 president of the senate; (2) two members of the house of
17 representatives, one from the majority political party and one from the
18 minority political party, both to be appointed by the speaker of the
19 house of representatives; such appointments shall be for the term of
20 two years or for the period in which the appointee serves as a
21 legislator, whichever expires first; members may be reappointed;
22 vacancies shall be filled in the same manner as original appointments
23 are made. Such ex officio members who shall collect data deemed
24 essential to future legislative proposals and exchange information with
25 the board shall be deemed engaged in legislative business while in
26 attendance upon the business of the board and shall be limited to such
27 allowances therefor as otherwise provided in RCW 44.04.120, the same to
28 be paid from the "gambling revolving fund" as being expenses relative
29 to commission business.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW
31 to read as follows:

32 (1) The state lottery commission and the Washington horse racing
33 commission are abolished and the powers, duties, and functions of the
34 state lottery commission and the Washington horse racing commission are
35 transferred to the Washington state gaming commission. All references
36 to the director or commissioners or the state lottery commission and
37 the Washington horse racing commission in the Revised Code of

1 Washington shall be construed to mean the director or the Washington
2 state gaming commission.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the state lottery
5 commission and the Washington horse racing commission pertaining to the
6 powers, functions, and duties transferred shall be delivered to the
7 custody of the Washington state gaming commission. All cabinets,
8 furniture, office equipment, motor vehicles, and other tangible
9 property employed by the state lottery commission and the Washington
10 horse racing commission in carrying out the powers, functions, and
11 duties transferred shall be made available to the Washington state
12 gaming commission. All funds, credits, or other assets held by the
13 state lottery commission and the Washington horse racing commission
14 shall be assigned to the Washington state gaming commission.

15 (b) Any appropriations made to the state lottery commission and the
16 Washington horse racing commission shall, on the effective date of this
17 section, be transferred and credited to the Washington state gaming
18 commission.

19 (c) Whenever any question arises as to the transfer of any
20 personnel, funds, books, documents, records, papers, files, equipment,
21 or other tangible property used or held in the exercise of the powers
22 and the performance of the duties and functions transferred, the
23 director of financial management shall make a determination as to the
24 proper allocation and certify the same to the state agencies concerned.

25 (3) All employees of the state lottery commission and the
26 Washington horse racing commission are transferred to the jurisdiction
27 of the Washington state gaming commission. All employees classified
28 under chapter 41.06 RCW, the state civil service law, are assigned to
29 the Washington state gaming commission to perform their usual duties
30 upon the same terms as formerly, without any loss of rights, subject to
31 any action that may be appropriate thereafter in accordance with the
32 laws and rules governing state civil service.

33 (4) All rules and all pending business before the state lottery
34 commission and the Washington horse racing commission shall be
35 continued and acted upon by the Washington state gaming commission.
36 All existing contracts and obligations remain in full force and shall
37 be performed by the Washington state gaming commission.

38 (5) The transfer of the powers, duties, functions, and personnel of
39 the state lottery commission and the Washington horse racing commission

1 shall not affect the validity of any act performed before the effective
2 date of this section.

3 (6) If apportionments of budgeted funds are required because of the
4 transfers directed by this section, the director of financial
5 management shall certify the apportionments to the agencies affected,
6 the state auditor, and the state treasurer. Each of these shall make
7 the appropriate transfer and adjustments in funds and appropriation
8 accounts and equipment records in accordance with the certification.

9 (7) Nothing contained in this section may be construed to alter any
10 existing collective bargaining unit or the provisions of any existing
11 collective bargaining agreement until the agreement has expired or
12 until the bargaining unit has been modified by action of the personnel
13 board as provided by law.

14 NEW SECTION. **Sec. 4.** The code reviser shall change references, in
15 the Revised Code of Washington, to the state lottery commission, the
16 Washington horse racing commission, and the Washington state gambling
17 commission to the Washington state gaming commission.

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