H-2443.2

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**HOUSE BILL 2183**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representative MacEwen

AN ACT Relating to the Washington state commission on minority affairs; amending RCW 28A.300.105, 28A.300.807, 28A.600.490, 28B.108.020, 43.03.028, 43.06B.020, 43.20.025, 43.376.040, and 76.48.241; reenacting and amending RCW 42.56.240; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 43.113.005, 43.113.010, 43.113.020, 43.113.030, 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.045, 43.115.060, 43.115.900, 43.117.010, 43.117.020, 43.117.030, 43.117.040, 43.117.050, 43.117.060, 43.117.070, 43.117.080, 43.117.090, 43.117.100, 43.117.110, 43.131.341, and 43.131.342; providing an effective date; and declaring an emergency.

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

**PART I**

**WASHINGTON STATE COMMISSION ON MINORITY AFFAIRS CREATED**

NEW SECTION. **Sec.**  (1) The Washington state commission on minority affairs is created.

(2) The commission shall be administered by an executive director who shall be appointed by, and serve at the pleasure of, the governor.

(3) The governor shall set the salary of the executive director.

(4) The executive director shall employ the staff of the commission.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington state commission on minority affairs.

(2) "Minority" means a person of Native American, Hispanic, African, or Asian Pacific ancestry.

NEW SECTION. **Sec.**  (1) The commission consists of four members, appointed by the governor. In making appointments, the governor shall select one person of Native American ancestry, one person of Hispanic ancestry, one person of African ancestry, and one person of Asian Pacific ancestry and shall give due consideration to recommendations submitted to the governor by the commission. The governor may also consider nominations of members made by the various minority organizations in the state.

(2)(a) Except for initial appointments and appointments to fill vacancies in unexpired terms, terms of members shall be three years.

(b) Members appointed to fill vacancies in unexpired terms shall fill out the remainder of the term for which the vacancy occurs.

(c) Initial terms must be staggered.

(3) Members shall elect a chair from among the membership.

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

(5) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec.**  (1) The primary duties of the commission are to advise the governor, the legislature, and other state agencies on public policy that affects a disproportionate number of Washington citizens who, for economic, social, cultural, and historical reasons, find themselves disadvantaged or isolated from the benefits of equal opportunity.

(2) In addition to the powers and duties specified in subsection (3) of this section, the commission has the powers, duties, and functions assigned to the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, and the commission on Hispanic affairs, before the effective date of this section.

(3) The commission has the following powers and duties:

(a) To adopt rules pursuant to chapter 34.05 RCW;

(b) To examine and define issues pertaining to the rights and needs of minority communities, and make recommendations to the governor and state agencies for changes in programs and laws;

(c) To advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of minority communities;

(d) To advise the legislature on issues of concern to minority communities;

(e) To establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for minority communities; and

(f) To receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

**PART II**

**OBSOLETE REFERENCES**

**Sec.**  RCW 28A.300.105 and 2011 c 270 s 2 are each amended to read as follows:

(1) To the extent funds are available, an Indian education division, to be known as the office of Native education, is created within the office of the superintendent of public instruction. The superintendent shall appoint an individual to be responsible for the office of Native education.

(2) To the extent state funds are available, with additional support of federal and local funds where authorized by law, the office of Native education shall:

(a) Provide assistance to school districts in meeting the educational needs of American Indian and Alaska Native students;

(b) Facilitate the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty pursuant to RCW 28A.320.170;

(c) Provide assistance to districts in the acquisition of funding to develop curricula and instructional materials in conjunction with native language practitioners and tribal elders;

(d) Coordinate technical assistance for public schools that serve American Indian and Alaska Native students;

(e) Seek funds to develop, in conjunction with the Washington state native American education advisory committee, and implement the following support services for the purposes of both increasing the number of American Indian and Alaska Native teachers and principals and providing continued professional development for educational assistants, teachers, and principals serving American Indian and Alaska Native students:

(i) Recruitment and retention;

(ii) Academic transition programs;

(iii) Academic financial support;

(iv) Teacher preparation;

(v) Teacher induction; and

(vi) Professional development;

(f) Facilitate the inclusion of native language programs in school districts' curricula;

(g) Work with all relevant agencies and committees to highlight the need for accurate, useful data that is appropriately disaggregated to provide a more accurate picture regarding American Indian and Alaska Native students; and

(h) Report to the governor, the legislature, and the ((~~governor's office of Indian affairs~~)) Washington state commission on minority affairs on an annual basis, beginning in December 2012, regarding the state of Indian education and the implementation of all state laws regarding Indian education, specifically noting system successes and accomplishments, deficiencies, and needs.

**Sec.**  RCW 28A.300.807 and 2016 c 72 s 502 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight and accountability committee, the ((~~ethnic~~)) Washington state commission((~~s~~)) on minority affairs, ((~~the governor's office of Indian affairs,~~)) and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance.

**Sec.**  RCW 28A.600.490 and 2016 c 72 s 101 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the Washington state ((~~ethnic~~)) commission((~~s~~)) on minority affairs, ((~~the governor's office of Indian affairs,~~)) the office of the education ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

**Sec.**  RCW 28B.108.020 and 2012 c 229 s 608 are each amended to read as follows:

(1) The American Indian endowed scholarship program is created. The program shall be administered by the office. In administering the program, the office's powers and duties shall include but not be limited to:

(a) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the ((~~governor's office of Indian~~)) Washington state commission on minority affairs, the Washington state Indian education association, and institutions of higher education;

(b) Publicizing the program;

(c) Accepting and depositing donations into the endowment fund created in RCW 28B.108.060;

(d) Requesting from the state investment board and accepting from the state treasurer moneys earned from the endowment fund created in RCW 28B.108.060;

(e) Soliciting and accepting grants and donations from public and private sources for the program; and

(f) Naming scholarships in honor of those American Indians from Washington who have acted as role models.

(2) The student achievement council shall adopt necessary rules and guidelines for the American Indian endowed scholarship program.

**Sec.**  RCW 42.56.240 and 2016 c 173 s 8 and 2016 c 163 s 2 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; ((~~and~~))

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from ((~~either~~)) the Washington state commission on ((~~African-American affairs, Asian Pacific American affairs, or Hispanic~~)) minority affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland,* 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records; and

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545.

**Sec.**  RCW 43.03.028 and 2011 1st sp.s. c 43 s 451 are each amended to read as follows:

(1) The office of financial management shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the eastern Washington historical society; the Washington state historical society; the recreation and conservation office; the criminal justice training commission; the traffic safety commission; the horse racing commission; the public disclosure commission; the state conservation commission; the Washington state commission on ((~~Hispanic~~)) minority affairs; ((~~the commission on Asian Pacific American affairs;~~)) the state board for volunteer firefighters and reserve officers; the transportation improvement board; the public employment relations commission; and the energy facilities site evaluation council.

(2) The office of financial management shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

**Sec.**  RCW 43.06B.020 and 2013 c 23 s 83 are each amended to read as follows:

The education ombuds shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision‑making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision‑making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system;

(7) To perform such other functions consistent with the purpose of the education ombuds; and

(8) To consult with representatives of the following organizations and groups regarding the work of the office of the education ombuds, including but not limited to:

(a) The state parent teacher association;

(b) Certificated and classified school employees;

(c) School and school district administrators;

(d) Parents of special education students;

(e) Parents of English language learners; and

(f) The Washington state commission on ((~~Hispanic~~)) minority affairs((~~;~~

~~(g) The Washington state commission on African-American affairs;~~

~~(h) The Washington state commission on Asian Pacific American affairs; and~~

~~(i) The governor's office of Indian affairs~~)).

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

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

(1) "Commission((~~s~~))" means the Washington state commission on ((~~African-American~~)) minority affairs established in chapter ((~~43.113~~)) 43.--- RCW((~~, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, and the governor's office of Indian affairs~~)) (the new chapter created in section 303 of this act).

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 43.376.040 and 2012 c 122 s 4 are each amended to read as follows:

Training required under RCW 43.376.020 for state agency employees must include at a minimum:

(1) Effective communication and collaboration between state agencies and Indian tribes;

(2) Cultural competency in providing effective services to tribal governments and tribal members; and

(3) Use of training services such as those provided through the ((~~governor's office of Indian~~)) Washington state commission on minority affairs.

**Sec.**  RCW 76.48.241 and 2009 c 245 s 25 are each amended to read as follows:

(1) Minority groups have long been participants in the specialized forest products and huckleberry harvesting industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products and huckleberry harvesting industries, and other interested groups to work cooperatively to accomplish the following purposes:

(a) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products and huckleberries;

(b) To hold clinics to teach techniques for effective picking; and

(c) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

(2) To the extent practicable within their existing resources, the department((~~,~~)) and the Washington state commission on ((~~Asian Pacific American~~)) minority affairs created in ((~~RCW 43.117.030, and the state commission on Hispanic affairs created in RCW 43.115.020~~)) section 101 of this act are encouraged to coordinate efforts under this chapter.

**PART III**

**MISCELLANEOUS PROVISIONS**

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

(1)RCW 43.113.005 (Legislative declaration) and 1992 c 96 s 1;

(2)RCW 43.113.010 (Commission created) and 1992 c 96 s 2;

(3)RCW 43.113.020 (Membership—Terms—Vacancies—Quorum—Expenses) and 1992 c 96 s 3;

(4)RCW 43.113.030 (Powers and duties) and 1992 c 96 s 4;

(5)RCW 43.115.010 (Legislative declaration) and 1993 c 261 s 1, 1987 c 249 s 1, & 1971 ex.s. c 34 s 1;

(6)RCW 43.115.020 (Commission created) and 1987 c 249 s 2 & 1971 ex.s. c 34 s 2;

(7)RCW 43.115.030 (Membership—Terms—Vacancies—Travel expenses—Quorum) and 1993 c 261 s 2, 1987 c 249 s 3, 1981 c 338 s 15, 1975-'76 2nd ex.s. c 34 s 130, & 1971 ex.s. c 34 s 3;

(8)RCW 43.115.040 (Officers and employees—Rules and regulations) and 2009 c 549 s 5170, 1993 c 261 s 3, 1987 c 249 s 4, & 1971 ex.s. c 34 s 4;

(9)RCW 43.115.045 (Executive director) and 1993 c 261 s 4;

(10)RCW 43.115.060 (Relationships with local government and private industry) and 1987 c 249 s 6 & 1971 ex.s. c 34 s 6;

(11)RCW 43.115.900 (Severability—1971 ex.s. c 34) and 1971 ex.s. c 34 s 7;

(12)RCW 43.117.010 (Legislative declaration) and 2000 c 236 s 1, 1995 c 67 s 2, 1983 c 119 s 1, & 1974 ex.s. c 140 s 1;

(13)RCW 43.117.020 (Definitions) and 1995 c 67 s 3 & 1974 ex.s. c 140 s 2;

(14)RCW 43.117.030 (Commission established) and 1995 c 67 s 4 & 1974 ex.s. c 140 s 3;

(15)RCW 43.117.040 (Membership—Terms—Vacancies—Travel expenses—Quorum—Executive director) and 2009 c 549 s 5171, 1982 c 68 s 1, 1981 c 338 s 16, 1975-'76 2nd ex.s. c 34 s 131, & 1974 ex.s. c 140 s 4;

(16)RCW 43.117.050 (Officers—Rules and regulations—Meetings) and 2009 c 549 s 5172 & 1974 ex.s. c 140 s 5;

(17)RCW 43.117.060 (Staff) and 1974 ex.s. c 140 s 6;

(18)RCW 43.117.070 (Duties of commission—State agencies to give assistance) and 2007 c 19 s 3, 2000 c 236 s 3, 1995 c 67 s 5, & 1974 ex.s. c 140 s 7;

(19)RCW 43.117.080 (Promotion of equal opportunity and benefits) and 1995 c 67 s 6 & 1974 ex.s. c 140 s 8;

(20)RCW 43.117.090 (Hearings—Information to be furnished to commission) and 2009 c 549 s 5173 & 1974 ex.s. c 140 s 9;

(21)RCW 43.117.100 (Gifts, grants and endowments—Receipt and expenditure) and 1974 ex.s. c 140 s 10;

(22)RCW 43.117.110 (Asian Pacific American heritage month) and 2000 c 236 s 2;

(23)RCW 43.131.341 (Washington state commission on Hispanic affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and

(24)RCW 43.131.342 (Washington state commission on Hispanic affairs—Repeal) and 1993 c 261 s 6 & 1987 c 249 s 9.

NEW SECTION. **Sec.**  (1) The Governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, and the commission on Hispanic affairs are abolished and their powers, duties, and functions are transferred to the Washington state commission on minority affairs.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs must be delivered to the custody of the Washington state commission on minority affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs must be made available to the Washington state commission on minority affairs. All funds, credits, or other assets held by the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs are assigned to the Washington state commission on minority affairs.

(b) Any appropriations made to the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs are, on the effective date of this section, transferred and credited to the Washington state commission on minority affairs.

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

(3) All employees of the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs are transferred to the jurisdiction of the Washington state commission on minority affairs. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state commission on minority affairs to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs shall be continued and acted upon by the Washington state commission on minority affairs. All existing contracts and obligations remain in full force and shall be performed by the Washington state commission on minority affairs.

(5) The transfer of the powers, duties, functions, and personnel of the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs does not affect the validity of any act performed before the effective date of this section.

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

(7) All classified employees of the governor's office of Indian affairs, the commission on African-American affairs, the commission on Asian Pacific American affairs, or the commission on Hispanic affairs assigned to the Washington state commission on minority affairs under this section whose positions are within an existing bargaining unit description at the Washington state commission on minority affairs must become a part of the existing bargaining unit at the Washington state commission on minority affairs and are considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

NEW SECTION. **Sec.**  Sections 101 through 104 of this act constitute a new chapter in Title 43 RCW.

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

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

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