H-1487.2

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**HOUSE BILL 2103**

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

**By** Representative Sawyer

AN ACT Relating to the gambling commission; amending RCW 9.46.100 and 9.46.210; and providing an effective date.

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

**Sec.**  RCW 9.46.100 and 2004 c 276 s 903 are each amended to read as follows:

(1) There is hereby created the gambling revolving fund ((~~which shall~~)) that consists of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer ((~~shall~~)) must be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, ((~~shall~~)) must be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund ((~~shall~~)) must be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund ((~~shall be~~)) is subject in all respects to chapter 43.88 RCW but no appropriation ((~~shall be~~)) is required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees ((~~shall~~)), except as provided in subsection (2) of this section, must be paid from the gambling revolving fund.

(2)(a) In accordance with RCW 9.46.210, no moneys in the gambling revolving fund may be expended to exercise any power, duty, or authority of the commission with respect to the commission's law enforcement powers, duties, or authority in RCW 9.46.210(3).

(b) The legislature must appropriate from the state general fund moneys sufficient to fund the commission's law enforcement powers, duties, and authority in RCW 9.46.210(3).

(3) During the 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the problem gambling treatment account, contingent on enactment of chapter . . ., Laws of 2004 (Second Substitute House Bill No. 2776, problem gambling treatment). Also during the 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess nontribal fund balance of the fund. The commission shall not increase fees during the 2003-2005 fiscal biennium for the purpose of restoring the excess fund balance transferred under this section.

**Sec.**  RCW 9.46.210 and 2000 c 46 s 1 are each amended to read as follows:

(1) It ((~~shall be~~)) is the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3)(a) In addition to its other powers and duties, the commission ((~~shall have~~)) has the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors ((~~shall~~)) have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They ((~~shall~~)) have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They ((~~shall~~)) have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(b)(i) All expenditures by the commission pursuant to the commission's powers, duties, and authority in this subsection (3) are subject to legislative appropriation. The commission may not spend moneys from the gambling revolving fund in RCW 9.46.100, or any other moneys other than moneys appropriated by the legislature, while exercising any law enforcement power, duty, or authority, or otherwise implementing or acting under the authority granted in this subsection (3).

(ii) The legislature must appropriate from the state general fund moneys sufficient to fund the commission's law enforcement powers, duties, and authority in this subsection (3).

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, may be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies.

NEW SECTION. **Sec.**  This act takes effect July 1, 2018.

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