
HOUSE BILL 2183

State of Washington

65th Legislature

2017 Regular Session

By Representative MacEwen

1 AN ACT Relating to the Washington state commission on minority
2 affairs; amending RCW 28A.300.105, 28A.300.807, 28A.600.490,
3 28B.108.020, 43.03.028, 43.06B.020, 43.20.025, 43.376.040, and
4 76.48.241; reenacting and amending RCW 42.56.240; adding a new
5 chapter to Title 43 RCW; creating a new section; repealing RCW
6 43.113.005, 43.113.010, 43.113.020, 43.113.030, 43.115.010,
7 43.115.020, 43.115.030, 43.115.040, 43.115.045, 43.115.060,
8 43.115.900, 43.117.010, 43.117.020, 43.117.030, 43.117.040,
9 43.117.050, 43.117.060, 43.117.070, 43.117.080, 43.117.090,
10 43.117.100, 43.117.110, 43.131.341, and 43.131.342; providing an
11 effective date; and declaring an emergency.

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

13 **PART I**

14 **WASHINGTON STATE COMMISSION ON MINORITY AFFAIRS CREATED**

15 NEW SECTION. **Sec. 101.** (1) The Washington state commission on
16 minority affairs is created.

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

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

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

3 NEW SECTION. **Sec. 102.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

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

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

10 NEW SECTION. **Sec. 103.** (1) The commission consists of four
11 members, appointed by the governor. In making appointments, the
12 governor shall select one person of Native American ancestry, one
13 person of Hispanic ancestry, one person of African ancestry, and one
14 person of Asian Pacific ancestry and shall give due consideration to
15 recommendations submitted to the governor by the commission. The
16 governor may also consider nominations of members made by the various
17 minority organizations in the state.

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

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

22 (c) Initial terms must be staggered.

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

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

26 (5) Members shall receive reimbursement for travel expenses
27 incurred in the performance of their duties in accordance with RCW
28 43.03.050 and 43.03.060.

29 NEW SECTION. **Sec. 104.** (1) The primary duties of the commission
30 are to advise the governor, the legislature, and other state agencies
31 on public policy that affects a disproportionate number of Washington
32 citizens who, for economic, social, cultural, and historical reasons,
33 find themselves disadvantaged or isolated from the benefits of equal
34 opportunity.

35 (2) In addition to the powers and duties specified in subsection
36 (3) of this section, the commission has the powers, duties, and
37 functions assigned to the governor's office of Indian affairs, the

1 commission on African-American affairs, the commission on Asian
2 Pacific American affairs, and the commission on Hispanic affairs,
3 before the effective date of this section.

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

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

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

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

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

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

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

21 PART II

22 OBSOLETE REFERENCES

23 **Sec. 201.** RCW 28A.300.105 and 2011 c 270 s 2 are each amended to
24 read as follows:

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

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

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

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

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

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

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

13 (i) Recruitment and retention;

14 (ii) Academic transition programs;

15 (iii) Academic financial support;

16 (iv) Teacher preparation;

17 (v) Teacher induction; and

18 (vi) Professional development;

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

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

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

31 **Sec. 202.** RCW 28A.300.807 and 2016 c 72 s 502 are each amended
32 to read as follows:

33 Subject to the availability of amounts appropriated for this
34 specific purpose, the office of the superintendent of public
35 instruction shall convene a task force to review the United States
36 department of education 2007 race and ethnicity reporting guidelines
37 and develop race and ethnicity guidance for the state. The task force
38 must include representatives from the educational opportunity gap
39 oversight and accountability committee, the (~~ethnie~~) Washington

1 state commission((s)) on minority affairs, ((the governor's office of
2 Indian affairs,)) and a diverse group of parents. The guidance must
3 clarify for students and families why information about race and
4 ethnicity is collected and how students and families can help school
5 administrators properly identify them. The guidance must also
6 describe the best practices for school administrators to use when
7 identifying the race and ethnicity of students and families. The task
8 force must use the United States census and the American community
9 survey in the development of the guidance.

10 **Sec. 203.** RCW 28A.600.490 and 2016 c 72 s 101 are each amended
11 to read as follows:

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

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

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

37 **Sec. 204.** RCW 28B.108.020 and 2012 c 229 s 608 are each amended
38 to read as follows:

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

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

13 (b) Publicizing the program;

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

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

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

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

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

25 **Sec. 205.** RCW 42.56.240 and 2016 c 173 s 8 and 2016 c 163 s 2
26 are each reenacted and amended to read as follows:

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

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

36 (2) Information revealing the identity of persons who are
37 witnesses to or victims of crime or who file complaints with
38 investigative, law enforcement, or penology agencies, other than the
39 commission, if disclosure would endanger any person's life, physical

1 safety, or property. If at the time a complaint is filed the
2 complainant, victim, or witness indicates a desire for disclosure or
3 nondisclosure, such desire shall govern. However, all complaints
4 filed with the commission about any elected official or candidate for
5 public office must be made in writing and signed by the complainant
6 under oath;

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

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

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

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

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

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

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

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

1 (11) The identity of a state employee or officer who has in good
2 faith filed a complaint with an ethics board, as provided in RCW
3 42.52.410, or who has in good faith reported improper governmental
4 action, as defined in RCW 42.40.020, to the auditor or other public
5 official, as defined in RCW 42.40.020;

6 (12) The following security threat group information collected
7 and maintained by the department of corrections pursuant to RCW
8 72.09.745: (a) Information that could lead to the identification of a
9 person's security threat group status, affiliation, or activities;
10 (b) information that reveals specific security threats associated
11 with the operation and activities of security threat groups; and (c)
12 information that identifies the number of security threat group
13 members, affiliates, or associates;

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

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

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

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

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

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

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

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

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

40 (iv) A minor;

1 (v) The body of a deceased person;
2 (vi) The identity of or communications from a victim or witness
3 of an incident involving domestic violence as defined in RCW
4 10.99.020 or sexual assault as defined in RCW 70.125.030, or
5 disclosure of intimate images as defined in RCW 9A.86.010. If at the
6 time of recording the victim or witness indicates a desire for
7 disclosure or nondisclosure of the recorded identity or
8 communications, such desire shall govern; or

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

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

14 (c) In a court action seeking the right to inspect or copy a body
15 worn camera recording, a person who prevails against a law
16 enforcement or corrections agency that withholds or discloses all or
17 part of a body worn camera recording pursuant to (a) of this
18 subsection is not entitled to fees, costs, or awards pursuant to RCW
19 42.56.550 unless it is shown that the law enforcement or corrections
20 agency acted in bad faith or with gross negligence.

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

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

24 (ii) Provide the incident or case number;

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

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

29 (e)(i) A person directly involved in an incident recorded by the
30 requested body worn camera recording, an attorney representing a
31 person directly involved in an incident recorded by the requested
32 body worn camera recording, a person or his or her attorney who
33 requests a body worn camera recording relevant to a criminal case
34 involving that person, or the executive director from (~~either~~) the
35 Washington state commission on (~~African-American-affairs, Asian~~
36 ~~Pacific American-affairs, or Hispanic~~) minority affairs, has the
37 right to obtain the body worn camera recording, subject to any
38 exemption under this chapter or any applicable law. In addition, an
39 attorney who represents a person regarding a potential or existing
40 civil cause of action involving the denial of civil rights under the

1 federal or state Constitution, or a violation of a United States
2 department of justice settlement agreement, has the right to obtain
3 the body worn camera recording if relevant to the cause of action,
4 subject to any exemption under this chapter or any applicable law.
5 The attorney must explain the relevancy of the requested body worn
6 camera recording to the cause of action and specify that he or she is
7 seeking relief from redaction costs under this subsection (14)(e).

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

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

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

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

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

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

37 (i) "Body worn camera recording" means a video and/or sound
38 recording that is made by a body worn camera attached to the uniform
39 or eyewear of a law enforcement or corrections officer from a covered

1 jurisdiction while in the course of his or her official duties and
2 that is made on or after June 9, 2016, and prior to July 1, 2019; and

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

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

12 (i) Nothing in this section is intended to modify the obligations
13 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
14 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
15 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
16 the relevant Washington court criminal rules and statutes.

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

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

22 **Sec. 206.** RCW 43.03.028 and 2011 1st sp.s. c 43 s 451 are each
23 amended to read as follows:

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

30 The arts commission; the human rights commission; the board of
31 accountancy; the eastern Washington historical society; the
32 Washington state historical society; the recreation and conservation
33 office; the criminal justice training commission; the traffic safety
34 commission; the horse racing commission; the public disclosure
35 commission; the state conservation commission; the Washington state
36 commission on ((Hispanic)) minority affairs; ((the commission on
37 Asian Pacific American affairs);) the state board for volunteer
38 firefighters and reserve officers; the transportation improvement

1 board; the public employment relations commission; and the energy
2 facilities site evaluation council.

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

10 **Sec. 207.** RCW 43.06B.020 and 2013 c 23 s 83 are each amended to
11 read as follows:

12 The education ombuds shall have the following powers and duties:

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

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

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

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

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

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

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

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

4 (a) The state parent teacher association;

5 (b) Certificated and classified school employees;

6 (c) School and school district administrators;

7 (d) Parents of special education students;

8 (e) Parents of English language learners; and

9 (f) The Washington state commission on ((Hispanic)) minority
10 affairs((+)

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

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

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

15 **Sec. 208.** RCW 43.20.025 and 2006 c 239 s 2 are each amended to
16 read as follows:

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

19 (1) "Commission((s))" means the Washington state commission on
20 ((African American)) minority affairs established in chapter
21 ((43.113)) 43.--- RCW((, the Washington state commission on Asian
22 Pacific American affairs established in chapter 43.117 RCW, the
23 Washington state commission on Hispanic affairs established in
24 chapter 43.115 RCW, and the governor's office of Indian affairs))
25 (the new chapter created in section 303 of this act).

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

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

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

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

37 (6) "Health impact review" means a review of a legislative or
38 budgetary proposal completed according to the terms of this chapter

1 that determines the extent to which the proposal improves or
2 exacerbates health disparities.

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

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

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

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

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

18 **Sec. 209.** RCW 43.376.040 and 2012 c 122 s 4 are each amended to
19 read as follows:

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

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

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

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

29 **Sec. 210.** RCW 76.48.241 and 2009 c 245 s 25 are each amended to
30 read as follows:

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

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

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

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

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

15 **PART III**

16 **MISCELLANEOUS PROVISIONS**

17 NEW SECTION. **Sec. 301.** The following acts or parts of acts are
18 each repealed:

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

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

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

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

24 (5) RCW 43.115.010 (Legislative declaration) and 1993 c 261 s 1,
25 1987 c 249 s 1, & 1971 ex.s. c 34 s 1;

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

28 (7) RCW 43.115.030 (Membership—Terms—Vacancies—Travel expenses—
29 Quorum) and 1993 c 261 s 2, 1987 c 249 s 3, 1981 c 338 s 15, 1975-'76
30 2nd ex.s. c 34 s 130, & 1971 ex.s. c 34 s 3;

31 (8) RCW 43.115.040 (Officers and employees—Rules and regulations)
32 and 2009 c 549 s 5170, 1993 c 261 s 3, 1987 c 249 s 4, & 1971 ex.s. c
33 34 s 4;

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

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

- 1 (11) RCW 43.115.900 (Severability—1971 ex.s. c 34) and 1971 ex.s.
2 c 34 s 7;
- 3 (12) RCW 43.117.010 (Legislative declaration) and 2000 c 236 s 1,
4 1995 c 67 s 2, 1983 c 119 s 1, & 1974 ex.s. c 140 s 1;
- 5 (13) RCW 43.117.020 (Definitions) and 1995 c 67 s 3 & 1974 ex.s.
6 c 140 s 2;
- 7 (14) RCW 43.117.030 (Commission established) and 1995 c 67 s 4 &
8 1974 ex.s. c 140 s 3;
- 9 (15) RCW 43.117.040 (Membership—Terms—Vacancies—Travel expenses
10 —Quorum—Executive director) and 2009 c 549 s 5171, 1982 c 68 s 1,
11 1981 c 338 s 16, 1975-'76 2nd ex.s. c 34 s 131, & 1974 ex.s. c 140 s
12 4;
- 13 (16) RCW 43.117.050 (Officers—Rules and regulations—Meetings)
14 and 2009 c 549 s 5172 & 1974 ex.s. c 140 s 5;
- 15 (17) RCW 43.117.060 (Staff) and 1974 ex.s. c 140 s 6;
- 16 (18) RCW 43.117.070 (Duties of commission—State agencies to give
17 assistance) and 2007 c 19 s 3, 2000 c 236 s 3, 1995 c 67 s 5, & 1974
18 ex.s. c 140 s 7;
- 19 (19) RCW 43.117.080 (Promotion of equal opportunity and benefits)
20 and 1995 c 67 s 6 & 1974 ex.s. c 140 s 8;
- 21 (20) RCW 43.117.090 (Hearings—Information to be furnished to
22 commission) and 2009 c 549 s 5173 & 1974 ex.s. c 140 s 9;
- 23 (21) RCW 43.117.100 (Gifts, grants and endowments—Receipt and
24 expenditure) and 1974 ex.s. c 140 s 10;
- 25 (22) RCW 43.117.110 (Asian Pacific American heritage month) and
26 2000 c 236 s 2;
- 27 (23) RCW 43.131.341 (Washington state commission on Hispanic
28 affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and
- 29 (24) RCW 43.131.342 (Washington state commission on Hispanic
30 affairs—Repeal) and 1993 c 261 s 6 & 1987 c 249 s 9.

31 NEW SECTION. **Sec. 302.** (1) The Governor's office of Indian
32 affairs, the commission on African-American affairs, the commission
33 on Asian Pacific American affairs, and the commission on Hispanic
34 affairs are abolished and their powers, duties, and functions are
35 transferred to the Washington state commission on minority affairs.

36 (2)(a) All reports, documents, surveys, books, records, files,
37 papers, or written material in the possession of the governor's
38 office of Indian affairs, the commission on African-American affairs,

1 the commission on Asian Pacific American affairs, or the commission
2 on Hispanic affairs must be delivered to the custody of the
3 Washington state commission on minority affairs. All cabinets,
4 furniture, office equipment, motor vehicles, and other tangible
5 property employed by the governor's office of Indian affairs, the
6 commission on African-American affairs, the commission on Asian
7 Pacific American affairs, or the commission on Hispanic affairs must
8 be made available to the Washington state commission on minority
9 affairs. All funds, credits, or other assets held by the governor's
10 office of Indian affairs, the commission on African-American affairs,
11 the commission on Asian Pacific American affairs, or the commission
12 on Hispanic affairs are assigned to the Washington state commission
13 on minority affairs.

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

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

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

35 (4) All rules and all pending business before the governor's
36 office of Indian affairs, the commission on African-American affairs,
37 the commission on Asian Pacific American affairs, or the commission
38 on Hispanic affairs shall be continued and acted upon by the
39 Washington state commission on minority affairs. All existing

1 contracts and obligations remain in full force and shall be performed
2 by the Washington state commission on minority affairs.

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

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

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

25 NEW SECTION. **Sec. 303.** Sections 101 through 104 of this act
26 constitute a new chapter in Title 43 RCW.

27 NEW SECTION. **Sec. 304.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 305.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect July 1, 2017.

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