

ESSB 6108 - H AMD 836

By Representative Orcutt

WITHDRAWN 4/21/2009

1 On page 2, after line 1, insert the following:

2

3 **"Sec. 2.** RCW 67.70.340 and 2005 c 369 s 4 are each amended to
4 read as follows:

5 (1) The legislature recognizes that creating a shared game
6 lottery could result in less revenue being raised by the existing
7 state lottery ticket sales. The legislature further recognizes that
8 the two funds most impacted by this potential event are the student
9 achievement fund and the education construction account. Therefore,
10 it is the intent of the legislature to use some of the proceeds from
11 the shared game lottery to make up the difference that the potential
12 state lottery revenue loss would have on the student achievement
13 fund and the education construction account. The legislature
14 further intends to use some of the proceeds from the shared game
15 lottery to fund programs and services related to problem and
16 pathological gambling.

17 (2) The student achievement fund and the education construction
18 account are expected to collectively receive one hundred two million
19 dollars annually from state lottery games other than the shared game
20 lottery. For fiscal year 2003 and thereafter, if the amount of
21 lottery revenues earmarked for the student achievement fund and the
22 education construction account is less than one hundred two million
23 dollars, the commission, after making the transfer required under
24 subsection (3) of this section, must transfer sufficient moneys from
25 revenues derived from the shared game lottery into the student
26 achievement fund and the education construction account to bring the
27 total revenue up to one hundred two million dollars. The funds

1 transferred from the shared game lottery account under this
2 subsection must be divided between the student achievement fund and
3 the education construction account in a manner consistent with RCW
4 67.70.240(3).

5 (3) (a) The commission shall transfer, from revenue derived from
6 the shared game lottery, to the problem gambling account created in
7 RCW 43.20A.892, an amount equal to the percentage specified in (b)
8 of this subsection of net receipts. For purposes of this
9 subsection, "net receipts" means the difference between (i) revenue
10 received from the sale of lottery tickets or shares and revenue
11 received from the sale of shared game lottery tickets or shares; and
12 (ii) the sum of payments made to winners.

13 (b) In fiscal year 2006, the percentage to be transferred to the
14 problem gambling account is one-tenth of one percent. In fiscal
15 year 2007 and subsequent fiscal years, the percentage to be
16 transferred to the problem gambling account is thirteen one-
17 hundredths of one percent.

18 (4) The commission shall transfer the remaining net revenues, if
19 any, derived from the shared game lottery "Powerball" authorized in
20 section 1(1) of this act after the transfers pursuant to this
21 section as follows:

22 (a) Fifty percent to the county criminal justice assistance
23 account established in RCW 82.14.310.

24 (b) Fifty percent to the county public health account
25 established in RCW 70.05.125.

26 ~~((+4))~~ (5) The remaining net revenues, if any, in the shared
27 game lottery account after the transfers pursuant to this section
28 shall be deposited into the general fund.

29
30 **Sec. 3.** RCW 82.14.310 and 2005 c 282 s 49 are each amended to
31 read as follows:

32 (1) The county criminal justice assistance account is created in
33 the state treasury. Beginning in fiscal year 2000, the state
34 treasurer shall transfer into the county criminal justice assistance

1 account from the general fund the sum of twenty-three million two
2 hundred thousand dollars divided into four equal deposits occurring
3 on July 1, October 1, January 1, and April 1. For each fiscal year
4 thereafter, the state treasurer shall increase the total transfer by
5 the fiscal growth factor, as defined in RCW 43.135.025, forecast for
6 that fiscal year by the office of financial management in November
7 of the preceding year.

8 (2) Beginning in fiscal year 2010, the lottery commission shall
9 transfer into the county criminal justice assistance account from
10 the shared games account fifty percent of net revenues derived from
11 the shared game "Powerball" in four deposits occurring on July 1,
12 October 1, January 1, and April 1.

13 ~~((+2))~~ (3) The moneys deposited in the county criminal justice
14 assistance account for distribution under this section, less any
15 moneys appropriated for purposes under subsection ~~((+4))~~ (5) of
16 this section, shall be distributed at such times as distributions
17 are made under *RCW 82.44.150 and on the relative basis of each
18 county's funding factor as determined under this subsection.

19 (a) A county's funding factor is the sum of:

20 (i) The population of the county, divided by one thousand, and
21 multiplied by two-tenths;

22 (ii) The crime rate of the county, multiplied by three-tenths;
23 and

24 (iii) The annual number of criminal cases filed in the county
25 superior court, for each one thousand in population, multiplied by
26 five-tenths.

27 (b) Under this section and RCW 82.14.320 and 82.14.330:

28 (i) The population of the county or city shall be as last
29 determined by the office of financial management;

30 (ii) The crime rate of the county or city is the annual
31 occurrence of specified criminal offenses, as calculated in the most
32 recent annual report on crime in Washington state as published by
33 the Washington association of sheriffs and police chiefs, for each
34 one thousand in population;

1 (iii) The annual number of criminal cases filed in the county
2 superior court shall be determined by the most recent annual report
3 of the courts of Washington, as published by the administrative
4 office of the courts;

5 (iv) Distributions and eligibility for distributions in the
6 1989-91 biennium shall be based on 1988 figures for both the crime
7 rate as described under (ii) of this subsection and the annual
8 number of criminal cases that are filed as described under (iii) of
9 this subsection. Future distributions shall be based on the most
10 recent figures for both the crime rate as described under (ii) of
11 this subsection and the annual number of criminal cases that are
12 filed as described under (iii) of this subsection.

13 ~~((3))~~ (4) Moneys distributed under this section shall be
14 expended exclusively for criminal justice purposes and shall not be
15 used to replace or supplant existing funding. Criminal justice
16 purposes are defined as activities that substantially assist the
17 criminal justice system, which may include circumstances where
18 ancillary benefit to the civil or juvenile justice system occurs,
19 and which includes (a) domestic violence services such as those
20 provided by domestic violence programs, community advocates, and
21 legal advocates, as defined in RCW 70.123.020, and (b) during the
22 2001-2003 fiscal biennium, juvenile dispositional hearings relating
23 to petitions for at-risk youth, truancy, and children in need of
24 services. Existing funding for purposes of this subsection is
25 defined as calendar year 1989 actual operating expenditures for
26 criminal justice purposes. Calendar year 1989 actual operating
27 expenditures for criminal justice purposes exclude the following:
28 Expenditures for extraordinary events not likely to reoccur, changes
29 in contract provisions for criminal justice services, beyond the
30 control of the local jurisdiction receiving the services, and major
31 nonrecurring capital expenditures.

32 ~~((4))~~ (5) Not more than five percent of the funds deposited to
33 the county criminal justice assistance account shall be available
34 for appropriations for enhancements to the state patrol crime

1 laboratory system and the continuing costs related to these
2 enhancements. Funds appropriated from this account for such
3 enhancements shall not supplant existing funds from the state
4 general fund.

5
6 **Sec. 4.** RCW 70.05.125 and 1998 c 266 s 1 are each amended to
7 read as follows:

8 (1) The county public health account is created in the state
9 treasury. Funds deposited in the county public health account shall
10 be distributed by the state treasurer to each local public health
11 jurisdiction based upon amounts certified to it by the department of
12 community, trade, and economic development in consultation with the
13 Washington state association of counties except as specified in
14 subsection (2) of this section. The account shall include funds
15 distributed under RCW *82.44.110 and 82.14.200(8) and such funds as
16 are appropriated to the account from the health services account
17 under RCW 43.72.900, the public health services account under RCW
18 43.72.902, and such other funds as the legislature may appropriate
19 to it.

20 (2) Beginning in fiscal year 2010, the lottery commission shall
21 transfer into the county public health account from the shared games
22 account. Funding in this subsection shall be distributed to local
23 health jurisdictions as follows:

24 (a) Fifty percent shall be provided as a base level of funding
25 distributed in equal amounts for each local health jurisdiction.

26 (b) The remaining fifty percent shall be distributed on a per
27 capita basis. For the purposes of this subsection "per capita basis"
28 means fifty percent of remaining net revenues after distributions in
29 subsection (2)(a) of this section multiplied by the proportion of
30 the population of the jurisdiction in the previous calendar year to
31 the population of the state in the previous calendar year.

32 ~~((+2))~~(3)(a) The director of the department of community,
33 trade, and economic development shall certify the amounts to be
34

1 distributed to each local public health jurisdiction using 1995 as
2 the base year of actual city contributions to local public health.

3 (b) Only if funds are available and in an amount no greater than
4 available funds under RCW 82.14.200(8), the department of community,
5 trade, and economic development shall adjust the amount certified
6 under (a) of this subsection to compensate for any annexation of an
7 area with fifty thousand residents or more to any city as a result
8 of a petition during calendar year 1996 or 1997, or for any city
9 that became newly incorporated as a result of an election during
10 calendar year 1994 or 1995. The amount to be adjusted shall be
11 equal to the amount which otherwise would have been lost to the
12 health jurisdiction due to the annexation or incorporation as
13 calculated using the jurisdiction's 1995 funding formula.

14 (c) The county treasurer shall certify the actual 1995 city
15 contribution to the department. Funds in excess of the base shall
16 be distributed proportionately among the health jurisdictions based
17 on incorporated population figures as last determined by the office
18 of financial management.

19 (3) Moneys distributed under this section shall be expended
20 exclusively for local public health purposes."

21
22 Renumber the sections consecutively and correct any internal
23 references accordingly.

24
25 Correct the title.

26

28 **EFFECT:** Directs the Lottery Commission to transfer,
29 after other transfers currently required by law, fifty percent of
30 net revenues from the multistate shared game "Powerball" to the
31 County Criminal Justice Assistance Account and fifty percent to the
32 County Public Health Account. Funds transferred into the County
33 Criminal Justice Assistance Account would be distributed to counties
34 as currently required by law. Of the funds transferred into the

1 County Public Health Account to be distributed to local health
2 jurisdictions, fifty percent is to be distributed equally and the
3 remaining fifty percent is to be distributed on a per capita basis.

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