

training program for minority construction workers and for minority contractors training programs: PROVIDED, That this appropriation or so much thereof as may be necessary shall be expended on or before June 30, 1979 and shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 7. 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. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 15, 1979.

Passed the House March 7, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

## CHAPTER 31

[Engrossed Substitute Senate Bill No. 2275]

### HORSE RACING—FEES AND RETENTION PERCENTAGES

AN ACT Relating to horse racing; amending section 7, chapter 55, Laws of 1933 and RCW 67.16.060; amending section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100; amending section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102; amending section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130; adding new sections to chapter 67.16 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 7, chapter 55, Laws of 1933 and RCW 67.16.060 are each amended to read as follows:

(1) It shall be unlawful;

(a) To conduct pool selling, bookmaking, or to circulate hand books((:));

or

(b) To bet or wager on any horse race other than by the parimutuel method((:)); or

(c) For any licensee to take more than ~~((ten percent of the gross receipts of any parimutuel machine))~~ the percentage provided in section 5 of this 1979 act; or

(d) For any licensee to compute breaks in the parimutuel system otherwise than at five cents.

(2) Any wilful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter,

the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final.

(3) The commission shall have power to exclude from any and all race courses of the state of Washington any person whom the commission deems detrimental to the best interests of racing or any person who wilfully violates any of the provisions of this chapter or of any rule, regulation, or order issued by the commission.

(4) Every race meet held in this state contrary to the provisions of this chapter is hereby declared to be a public nuisance.

Sec. 2. Section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission (~~five percent~~) the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with section 6 of this 1979 act, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of program planning and fiscal management, retain any sum required for working capital.

Sec. 3. Section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102 are each amended to read as follows:

Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the ~~((fifteen percent))~~ percentages authorized by ~~((this chapter))~~ RCW 67.16.100 and 67.16.130, as now or hereafter amended, and section 6 of this 1979 act, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, or of ~~((six))~~ ten days or less or which have ~~((a total annual))~~ an average daily handle of less than ~~((two))~~ one hundred twenty thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those county legislative authorities that operate fairs, authorized by chapter 36.37 RCW, and race courses at which independent race meets are held which are nonprofit in nature and are of ~~((six))~~ ten days or less: PROVIDED, That such county legislative authorities have approved and are operating a program of use for said race course for year-round equine training and quartering: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

Sec. 4. Section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ~~((six))~~ ten days or less, and which have ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars and a payment to the commission of one percent of the gross receipts of all parimutuel pools during such race meet, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission on or after January 1, 1971

may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ~~((six))~~ ten days or less, and which have ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, shall be permitted to retain fourteen percent of the gross receipts of all parimutuel pools during such race meet.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ~~((six))~~ ten days or less, and which has ~~((a total annual))~~ an average daily handle of ~~((two))~~ one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) hereof, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

NEW SECTION. Sec. 5. There is added to chapter 67.16 RCW a new section to read as follows:

(1) Race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

(a) From the first five hundred thousand dollars, the licensee may retain ten and one-half percent of such gross receipts; and

(b) From any amount above the first five hundred thousand dollars, the licensee may retain ten percent of such gross receipts.

(2) Race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing may retain eleven percent from such gross receipts of any parimutuel machine.

(3) Of the amounts retained in subsections (1) and (2) of this section, at least fifty percent of the increase above ten percent shall be utilized to support the general purse structure of the race meet; except that, all such increased revenue to the licensee to be utilized for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen. The remaining increase above ten percent shall be utilized for maintenance of the running surface, parking areas, and training and barn facilities. Any portion of the remainder may be utilized to support the general purse structure of the race meet.

NEW SECTION. Sec. 6. There is added to chapter 67.16 RCW a new section to read as follows:

(1) For race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily four and one-half percent of the gross receipts up to the first five hundred thousand daily of all parimutuel machines at each race meet. All receipts in excess of five hundred thousand dollars shall be paid daily at the rate of five percent.

(2) For race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing, the licensee shall pay to the commission daily four percent of the gross receipts of all parimutuel machines at each race meet.

NEW SECTION. Sec. 7. There is added to chapter 67.16 RCW a new section to read as follows:

(1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, may retain fourteen percent from the gross receipts of any parimutuel machine.

(2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily.

NEW SECTION. Sec. 8. This 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 16, 1979

Filed in Office of Secretary of State March 16, 1979.

## CHAPTER 32

[Engrossed Senate Bill No. 2178]

### STANDBY GUARDIANS—INFORMED CONSENT TO MEDICAL PROCEDURES

AN ACT Relating to guardianship; amending section 6, chapter 95, Laws of 1975 1st ex. sess. as amended by section 10, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.125; and amending section 11.92.040, chapter 145, Laws of 1965 as last amended by section 13, chapter 309, Laws of 1977 ex. sess. and RCW 11.92.040.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 6, chapter 95, Laws of 1975 1st ex. sess. as amended by section 10, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.125 are each amended to read as follows:

(1) The person appointed by the court as either guardian or limited guardian of the person and/or estate of an incompetent or disabled person,