

SENATE BILL REPORT

SB 6422

As Reported By Senate Committee On:
Commerce, Trade, Housing & Financial Institutions, February 3, 2000

Title: An act relating to local planning and zoning of social card game activities.

Brief Description: Authorizing local planning and zoning of social card game activities.

Sponsors: Senators Gardner and Winsley.

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 1/25/2000, 2/3/2000 [DP].

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Staff: Catherine Mele (786-7470)

Background: In 1996 the Legislature increased the number of card room tables that a card room licensee could have from five to 15. The Legislature also authorized alternative methods of fee collections in addition to a half-hour seat fee, such as a per hand fee or a rake of the pot (a percentage out of the pot). In 1997 the Legislature authorized house-banked card rooms. House-banking means that the house (owner of the card room) has a financial interest in the outcome of the game. At the end of 1999, 52 house-banked card rooms operated in Washington.

Recently, concerns have been raised about local jurisdictions' authority to zone card room operations. Current law states that the Gambling Commission is the exclusive authority for licensing and regulating gambling activities. The law preempts local jurisdictions from engaging in licensing and regulatory activities. In addition, the law allows local jurisdictions to impose a total prohibition on gambling in their jurisdictions. Some assert that the state's preemption prevents local jurisdictions from zoning card rooms while others do not agree that this preemption applies to a local jurisdiction's zoning authority.

Summary of Bill: Local jurisdictions may use planning and zoning authority to determine the location of card rooms.

Appropriation: None.

Fiscal Note: Requested on January 24, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: During the interim we had a series of meeting where we discussed the need for clarification of local jurisdictions' ability to zone and plan for card rooms. The ambiguity regarding local zoning and planning authority will either be clarified this session or there will probably be a lawsuit. When discussions took place, the local jurisdictions only wanted to clarify their zoning and planning this authority over card rooms. The local jurisdictions never discussed a desire to clarify authority to zone and plan for other gambling activities. In 1973 when the Legislature passed the Gambling Act, the Legislature made certain that jurisdiction over gambling activities stayed with the state and not the locals. The Legislature took this action to keep local corruption out of gambling. This bill only addresses zoning and planning, and gives no other authority over gambling to local jurisdictions.

Testimony With Concerns: The local jurisdictions support a legislative solution. The local jurisdictions and the Recreational Gaming Association agree in principle. The local jurisdictions are not seeking new authority, they seek to clarify existing authority. If this bill passed the way it is drafted, it might take away existing authority for locals to zone and plan other gambling activities such as bingo and pull tabs. The local jurisdictions want to clarify all zoning authority for all gambling activities not just the authority as it relates to card rooms. This bill clarifies the ambiguity as it relates to card rooms, but not to other gambling activities. We need broader clarification.

Testimony Against: None.

Testified: Kyle Crews, City of Tacoma (concerns); Ron Rosenbloom, AWC (concerns); Ed Fleisher, Gambling Commission (pro); Vito Chiechi, Bob Brennan, Bob Jull, Recreational Gaming Assn. (pro).