
HOUSE BILL 2154

State of Washington 56th Legislature 1999 Regular Session

By Representatives Benson, Clements, Van Luven and Barlean

Read first time 02/17/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to gambling commission approval of participation in
2 the card room pilot program; amending RCW 9.46.070; adding a new
3 section to chapter 9.46 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW
6 to read as follows:

7 (1) When an application is made by a new applicant or by an
8 existing card room licensee for participation in the card room pilot
9 program or any successor licensing program for minicasinios, the
10 gambling commission shall notify the chief executive officer of the
11 city or town in which the application may be granted.

12 (2) The chief executive officer of the city or town may request
13 that the gambling commission halt any consideration of the application
14 and any other subsequent application from the same or any other
15 applicant based on the need to consider the local impact of the
16 granting of the application or additional applications. The gambling
17 commission shall grant the request and take no action on the
18 application prior to April 1, 2000.

1 **Sec. 2.** RCW 9.46.070 and 1993 c 344 s 1 are each amended to read
2 as follows:

3 The commission shall have the following powers and duties:

4 (1) To authorize and issue licenses for a period not to exceed one
5 year to bona fide charitable or nonprofit organizations approved by the
6 commission meeting the requirements of this chapter and any rules and
7 regulations adopted pursuant thereto permitting said organizations to
8 conduct bingo games, raffles, amusement games, and social card games,
9 to utilize punch boards and pull-tabs in accordance with the provisions
10 of this chapter and any rules and regulations adopted pursuant thereto
11 and to revoke or suspend said licenses for violation of any provisions
12 of this chapter or any rules and regulations adopted pursuant thereto:
13 PROVIDED, That the commission shall not deny a license to an otherwise
14 qualified applicant in an effort to limit the number of licenses to be
15 issued: PROVIDED FURTHER, That the commission or director shall not
16 issue, deny, suspend, or revoke any license because of considerations
17 of race, sex, creed, color, or national origin: AND PROVIDED FURTHER,
18 That the commission may authorize the director to temporarily issue or
19 suspend licenses subject to final action by the commission;

20 (2) To authorize and issue licenses for a period not to exceed one
21 year to any person, association, or organization operating a business
22 primarily engaged in the selling of items of food or drink for
23 consumption on the premises, approved by the commission meeting the
24 requirements of this chapter and any rules and regulations adopted
25 pursuant thereto permitting said person, association, or organization
26 to utilize punch boards and pull-tabs and to conduct social card games
27 as a commercial stimulant in accordance with the provisions of this
28 chapter and any rules and regulations adopted pursuant thereto and to
29 revoke or suspend said licenses for violation of any provisions of this
30 chapter and any rules and regulations adopted pursuant thereto:
31 PROVIDED, That the commission shall not deny a license to an otherwise
32 qualified applicant in an effort to limit the number of licenses to be
33 issued except as provided under section 1 of this act: PROVIDED
34 FURTHER, That the commission may authorize the director to temporarily
35 issue or suspend licenses subject to final action by the commission;

36 (3) To authorize and issue licenses for a period not to exceed one
37 year to any person, association, or organization approved by the
38 commission meeting the requirements of this chapter and meeting the
39 requirements of any rules and regulations adopted by the commission

1 pursuant to this chapter as now or hereafter amended, permitting said
2 person, association, or organization to conduct or operate amusement
3 games in such manner and at such locations as the commission may
4 determine;

5 (4) To authorize, require, and issue, for a period not to exceed
6 one year, such licenses as the commission may by rule provide, to any
7 person, association, or organization to engage in the selling,
8 distributing, or otherwise supplying or in the manufacturing of devices
9 for use within this state for those activities authorized by this
10 chapter;

11 (5) To establish a schedule of annual license fees for carrying on
12 specific gambling activities upon the premises, and for such other
13 activities as may be licensed by the commission, which fees shall
14 provide to the commission not less than an amount of money adequate to
15 cover all costs incurred by the commission relative to licensing under
16 this chapter and the enforcement by the commission of the provisions of
17 this chapter and rules and regulations adopted pursuant thereto:
18 PROVIDED, That all licensing fees shall be submitted with an
19 application therefor and such portion of said fee as the commission may
20 determine, based upon its cost of processing and investigation, shall
21 be retained by the commission upon the withdrawal or denial of any such
22 license application as its reasonable expense for processing the
23 application and investigation into the granting thereof: PROVIDED
24 FURTHER, That if in a particular case the basic license fee established
25 by the commission for a particular class of license is less than the
26 commission's actual expenses to investigate that particular
27 application, the commission may at any time charge to that applicant
28 such additional fees as are necessary to pay the commission for those
29 costs. The commission may decline to proceed with its investigation
30 and no license shall be issued until the commission has been fully paid
31 therefor by the applicant: AND PROVIDED FURTHER, That the commission
32 may establish fees for the furnishing by it to licensees of
33 identification stamps to be affixed to such devices and equipment as
34 required by the commission and for such other special services or
35 programs required or offered by the commission, the amount of each of
36 these fees to be not less than is adequate to offset the cost to the
37 commission of the stamps and of administering their dispersal to
38 licensees or the cost of administering such other special services,
39 requirements or programs;

1 (6) To prescribe the manner and method of payment of taxes, fees
2 and penalties to be paid to or collected by the commission;

3 (7) To require that applications for all licenses contain such
4 information as may be required by the commission: PROVIDED, That all
5 persons (a) having a managerial or ownership interest in any gambling
6 activity, or the building in which any gambling activity occurs, or the
7 equipment to be used for any gambling activity, or (b) participating as
8 an employee in the operation of any gambling activity, shall be listed
9 on the application for the license and the applicant shall certify on
10 the application, under oath, that the persons named on the application
11 are all of the persons known to have an interest in any gambling
12 activity, building, or equipment by the person making such application:
13 PROVIDED FURTHER, That the commission may require fingerprinting and
14 background checks on any persons seeking licenses under this chapter or
15 of any person holding an interest in any gambling activity, building,
16 or equipment to be used therefor, or of any person participating as an
17 employee in the operation of any gambling activity;

18 (8) To require that any license holder maintain records as directed
19 by the commission and submit such reports as the commission may deem
20 necessary;

21 (9) To require that all income from bingo games, raffles, and
22 amusement games be recorded and reported as established by rule or
23 regulation of the commission to the extent deemed necessary by
24 considering the scope and character of the gambling activity in such a
25 manner that will disclose gross income from any gambling activity,
26 amounts received from each player, the nature and value of prizes, and
27 the fact of distributions of such prizes to the winners thereof;

28 (10) To regulate and establish maximum limitations on income
29 derived from bingo. In establishing limitations pursuant to this
30 subsection the commission shall take into account (i) the nature,
31 character, and scope of the activities of the licensee; (ii) the source
32 of all other income of the licensee; and (iii) the percentage or extent
33 to which income derived from bingo is used for charitable, as
34 distinguished from nonprofit, purposes. However, the commission's
35 powers and duties granted by this subsection are discretionary and not
36 mandatory;

37 (11) To regulate and establish the type and scope of and manner of
38 conducting the gambling activities authorized by this chapter,
39 including but not limited to, the extent of wager, money, or other

1 thing of value which may be wagered or contributed or won by a player
2 in any such activities;

3 (12) To regulate the collection of and the accounting for the fee
4 which may be imposed by an organization, corporation or person licensed
5 to conduct a social card game on a person desiring to become a player
6 in a social card game in accordance with RCW (~~9.46.0281(4)~~)
7 9.46.0282;

8 (13) To cooperate with and secure the cooperation of county, city,
9 and other local or state agencies in investigating any matter within
10 the scope of its duties and responsibilities;

11 (14) In accordance with RCW 9.46.080, to adopt such rules and
12 regulations as are deemed necessary to carry out the purposes and
13 provisions of this chapter. All rules and regulations shall be adopted
14 pursuant to the administrative procedure act, chapter 34.05 RCW;

15 (15) To set forth for the perusal of counties, city-counties,
16 cities and towns, model ordinances by which any legislative authority
17 thereof may enter into the taxing of any gambling activity authorized
18 by this chapter;

19 (16) To establish and regulate a maximum limit on salaries or wages
20 which may be paid to persons employed in connection with activities
21 conducted by bona fide charitable or nonprofit organizations and
22 authorized by this chapter, where payment of such persons is allowed,
23 and to regulate and establish maximum limits for other expenses in
24 connection with such authorized activities, including but not limited
25 to rent or lease payments. However, the commissioner's powers and
26 duties granted by this subsection are discretionary and not mandatory.

27 In establishing these maximum limits the commission shall take into
28 account the amount of income received, or expected to be received, from
29 the class of activities to which the limits will apply and the amount
30 of money the games could generate for authorized charitable or
31 nonprofit purposes absent such expenses. The commission may also take
32 into account, in its discretion, other factors, including but not
33 limited to, the local prevailing wage scale and whether charitable
34 purposes are benefited by the activities;

35 (17) To authorize, require, and issue for a period not to exceed
36 one year such licenses or permits, for which the commission may by rule
37 provide, to any person to work for any operator of any gambling
38 activity authorized by this chapter in connection with that activity,
39 or any manufacturer, supplier, or distributor of devices for those

1 activities in connection with such business. The commission shall not
2 require that persons working solely as volunteers in an authorized
3 activity conducted by a bona fide charitable or bona fide nonprofit
4 organization, who receive no compensation of any kind for any purpose
5 from that organization, and who have no managerial or supervisory
6 responsibility in connection with that activity, be licensed to do such
7 work. The commission may require that licensees employing such
8 unlicensed volunteers submit to the commission periodically a list of
9 the names, addresses, and dates of birth of the volunteers. If any
10 volunteer is not approved by the commission, the commission may require
11 that the licensee not allow that person to work in connection with the
12 licensed activity;

13 (18) To publish and make available at the office of the commission
14 or elsewhere to anyone requesting it a list of the commission
15 licensees, including the name, address, type of license, and license
16 number of each licensee;

17 (19) To establish guidelines for determining what constitutes
18 active membership in bona fide nonprofit or charitable organizations
19 for the purposes of this chapter; and

20 (20) To perform all other matters and things necessary to carry out
21 the purposes and provisions of this chapter.

22 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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