

# HOUSE BILL REPORT

## HB 1667

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### As Passed House:

March 10, 2003

**Title:** An act relating to local government land use and zoning powers over gambling activities.

**Brief Description:** Clarifying local government land use and zoning powers over gambling activities.

**Sponsors:** By Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/10/03, 2/24/03 [DP].

#### Floor Activity:

Passed House: 3/10/03, 95-0.

### Brief Summary of Bill

- Recognizes that local jurisdictions may exercise land use and zoning powers with respect to licensed gambling activities.

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 9 members: Representatives Conway, Chair; Wood, Vice Chair; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney and McCoy.

**Staff:** Matt Cooper (786-7106).

### Background:

The Washington State Gambling Commission (Commission) has exclusive authority to license and regulate gambling activities. The state preempts local licensing and regulatory authority for gambling, except as to powers and duties specifically granted to a city or county. A city or county may enact only such local ordinances related to gambling that do not conflict with the rules of the Commission and which are consistent

with the powers and duties granted to local jurisdictions.

A license issued by the Commission is legal authority to engage in the gambling activity for which the license is issued throughout cities and counties across the state. Notwithstanding this authority, a city or county may absolutely prohibit any or all of the gambling activities for which the license is issued, but may not change the scope of the license.

Article XI, Section 11 of the State Constitution provides that a city or county may make and enforce local police, sanitary, and other regulations that are not in conflict with general laws. Local governments implement their comprehensive plans by adopting zoning ordinances. Zoning is a means of controlling use of land by placing certain restrictions on structures and improvements located on property in a particular zone.

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**Summary of Bill:**

A city, town, or county may exercise its land use and zoning powers with respect to any land uses involving licensed gambling activities.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Some city officials in Washington don't think that they can make any zoning decisions on businesses with gambling licenses. This bill would make it clear that cities can impose zoning requirements that don't interfere with the Gambling Commission's authority on businesses that have gambling licenses.

Cities want some ability to regulate businesses that conduct gambling. Right now the only choices are not to regulate gambling or ban all gambling. Cities need to have a planning tool to make future plans and shape the growth of communities. Gambling establishments should not be placed next to schools, playgrounds, or residential areas.

Zoning provides a process for planning. The process of making zoning rules gives businesses a chance to provide input. The zoning process also provides due process to businesses that do not meet zoning requirements.

**Testimony Against:** Gambling licensees are concerned how this authority will be interpreted by cities and how it will be applied.

**Testified:** (In support) Jim Justin, Association of Washington Cities; Claudia Thomas, City of Lakewood; Randy Lewis, City of Tacoma; Tom Lampson and Rick Simon, City of Richland; and Ed Fleisher, Gambling Commission.

(Opposed) Delores Chiechi and Steve Griffiths, Recreational Gaming Association.