
SENATE BILL 6464

State of Washington 58th Legislature 2004 Regular Session

By Senators Prentice and Rasmussen

Read first time 01/21/2004. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to local government land use and zoning powers over
2 gambling activities; amending RCW 9.46.285 and 9.46.295; and providing
3 an effective date.

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

5 **Sec. 1.** RCW 9.46.285 and 1973 2nd ex.s. c 41 s 8 are each amended
6 to read as follows:

7 (1) This chapter constitutes the exclusive legislative authority
8 for the licensing and regulation of any gambling activity and the state
9 preempts such licensing and regulatory functions, except as to the
10 powers and duties of any city, town, city-county, or county which are
11 specifically set forth in this chapter. Any ordinance, resolution, or
12 other legislative act by any city, town, city-county, or county
13 relating to gambling in existence on September 27, 1973 shall be as of
14 that date null and void and of no effect. Any such city, town, city-
15 county, or county may thereafter enact only such local law as is
16 consistent with the powers and duties expressly granted to and imposed
17 upon it by chapter 9.46 RCW and which is not in conflict with that
18 chapter or with the rules of the commission.

1 (2) Nothing in this chapter limits the authority of a city, town,
2 city-county, or county to enact and enforce an ordinance, resolution,
3 or other legislative act that:

4 (a) Applies equally to similarly situated entities without regard
5 to whether the entity is required to possess, or is not required to
6 possess, a license under this chapter;

7 (b) Prohibits one or more classes of licensed gambling activity
8 from locating and operating within the jurisdiction, so long as the
9 prohibition is contained in and consistent with the jurisdiction's
10 comprehensive plan, and applies absolutely, without variance or other
11 exception, either (i) throughout the jurisdiction, or (ii) to no more
12 than one-half of the area within the jurisdiction in which materially
13 similar entities that are not required to possess a license under this
14 chapter are allowed to locate and operate without resort to variance,
15 or other zoning exception process.

16 **Sec. 2.** RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to
17 read as follows:

18 Any license to engage in any of the gambling activities authorized
19 by this chapter as now exists or as hereafter amended, and issued under
20 the authority thereof shall be legal authority to engage in the
21 gambling activities for which issued throughout the incorporated and
22 unincorporated area of any county, except that a city located therein
23 with respect to that city, or a county with respect to all areas within
24 that county except for such cities, (~~may absolutely prohibit, but~~)
25 may not change the scope of license(~~(τ)~~) of any or all of the gambling
26 activities for which the license was issued.

27 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2006.

--- END ---