

SSB 6615 - S AMD 78
By Senator Prentice

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to
4 read as follows:

5 (1) Any license to engage in any of the gambling activities
6 authorized by this chapter ((as now exists or as hereafter amended)),
7 and issued under the authority thereof shall be legal authority to
8 engage in the gambling activities for which issued throughout the
9 incorporated and unincorporated area of any county, except that a city
10 located therein with respect to that city, or a county with respect to
11 all areas within that county except for such cities, may absolutely
12 prohibit((, but may not change the scope of license,)) any or all of
13 the gambling activities for which the license was issued.

14 (2) Nothing in this section authorizes any city, town, city-county,
15 or county to adopt or enforce any ordinance, resolution, or other
16 legislative act changing or purporting to change any provision within
17 the scope of a license issued under this chapter.

18 (3) For purposes of this section, an ordinance, resolution, or
19 other legislative act that:

20 (a) Prohibits all house-banked card games within the applicable
21 jurisdiction on and after the effective date of the legislative act, or
22 on and after any other date specified in the legislative act, shall be
23 deemed to be an act adopted in compliance with this section; and

24 (b) Prohibits or purports to prohibit any or some house-banked card
25 games within the jurisdiction, but also allows or purports to allow any
26 house-banked card games to be located or continue to operate within the
27 applicable jurisdiction for an indefinite period after the effective
28 date of the legislative act, or another date, if any, specified in the
29 legislative act, shall be deemed to be an act not in compliance with

1 this section, and is null and void, except as provided in section 2 of
2 this act.

3 (4) No ordinance complying with subsection (3)(a) of this section
4 that is in effect or adopted after the effective date of this act may
5 be amended, revoked, rescinded, repealed, or otherwise altered or
6 invalidated.

7 NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW
8 to read as follows:

9 (1) A jurisdiction that, as of November 30, 2005, had in effect an
10 ordinance, resolution, or other legislative act that is or would have
11 been null and void under RCW 9.46.295(3)(b) may petition for an
12 exemption from RCW 9.46.295(3)(b) if the jurisdiction submits a
13 petition that:

14 (a) Is in the form of a resolution requesting such exemption that
15 is adopted by and bears the signatures of not less than fifty percent
16 of the voting members of the legislative body of the jurisdiction;

17 (b) Is received by the commission by December 31, 2006;

18 (c) Contains an acknowledgment that the petition to be exempt from
19 RCW 9.46.295(3)(b) is permanent and irrevocable, except as provided by
20 subsection (3) of this section; and

21 (d) Identifies with particularity the location or locations within
22 the jurisdiction where, as of January 31, 2006, a license for a house-
23 banked card game had been either: (i) Issued by the commission and was
24 in effect; or (ii) applied for pursuant to the laws and rules of both
25 the jurisdiction and the commission, and had not been subsequently
26 denied by the commission, or rejected by the jurisdiction.

27 (2) Upon receipt of a petition complying with subsection (1) of
28 this section, the commission shall enter the petition into the record
29 of the next regularly scheduled commission meeting and transmit
30 correspondence to the jurisdiction acknowledging that the petition had
31 been received and filed. After the filing of such petition, the
32 commission shall neither issue nor renew any license to engage in a
33 house-banked card game within the jurisdiction except in a location
34 specified in the petition.

35 (3) A licensee authorized to engage in house-banked card games
36 pursuant to a license issued or renewed in accordance with this section
37 may continue to engage in the gambling activity authorized under the

1 license until the city, town, city-county, or county with jurisdiction
2 over the location identified in the license has in effect an ordinance,
3 resolution, or other legislative act adopted under RCW 9.46.295(3)(a)
4 prohibiting such gambling activity.

5 **Sec. 3.** RCW 9.46.070 and 2002 c 119 s 1 are each amended to read
6 as follows:

7 The commission shall have the following powers and duties:

8 (1) To authorize and issue licenses for a period not to exceed one
9 year to bona fide charitable or nonprofit organizations approved by the
10 commission meeting the requirements of this chapter and any rules (~~and~~
11 ~~regulations~~) adopted pursuant thereto permitting said organizations to
12 conduct bingo games, raffles, amusement games, and social card games,
13 to utilize punch boards and pull-tabs in accordance with the provisions
14 of this chapter and any rules (~~and regulations~~) adopted pursuant
15 thereto and to revoke or suspend said licenses for violation of any
16 provisions of this chapter or any rules (~~and regulations~~) adopted
17 pursuant thereto(~~(:—PROVIDED, That)~~). However, except as provided in
18 RCW 9.46.295, the commission shall not deny a license to an otherwise
19 qualified applicant in an effort to limit the number of licenses to be
20 issued(~~(:—PROVIDED FURTHER, That)~~). The commission or director shall
21 not issue, deny, suspend, or revoke any license because of
22 considerations of race, sex, creed, color, or national origin(~~(:—AND~~
23 ~~PROVIDED FURTHER, That)~~). The commission may authorize the director to
24 temporarily issue or suspend licenses subject to final action by the
25 commission;

26 (2) To authorize and issue licenses for a period not to exceed one
27 year to any person, association, or organization operating a business
28 primarily engaged in the selling of items of food or drink for
29 consumption on the premises, approved by the commission meeting the
30 requirements of this chapter and any rules (~~and regulations~~) adopted
31 pursuant thereto permitting said person, association, or organization
32 to utilize punch boards and pull-tabs and to conduct social card games
33 as a commercial stimulant in accordance with the provisions of this
34 chapter and any rules (~~and regulations~~) adopted pursuant thereto and
35 to revoke or suspend said licenses for violation of any provisions of
36 this chapter and any rules (~~and regulations~~) adopted pursuant
37 thereto(~~(:—PROVIDED, That)~~). However, except as provided in RCW

1 9.46.295, the commission shall not deny a license to an otherwise
2 qualified applicant in an effort to limit the number of licenses to be
3 issued(~~(+ PROVIDED FURTHER, That)~~). The commission may authorize the
4 director to temporarily issue or suspend licenses subject to final
5 action by the commission;

6 (3) To authorize and issue licenses for a period not to exceed one
7 year to any person, association, or organization approved by the
8 commission meeting the requirements of this chapter and meeting the
9 requirements of any rules and regulations adopted by the commission
10 pursuant to this chapter as now or hereafter amended, permitting said
11 person, association, or organization to conduct or operate amusement
12 games in such manner and at such locations as the commission may
13 determine;

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

20 (5) To establish a schedule of annual license fees for carrying on
21 specific gambling activities upon the premises, and for such other
22 activities as may be licensed by the commission, which fees shall
23 provide to the commission not less than an amount of money adequate to
24 cover all costs incurred by the commission relative to licensing under
25 this chapter and the enforcement by the commission of the provisions of
26 this chapter and rules and regulations adopted pursuant thereto:
27 PROVIDED, That all licensing fees shall be submitted with an
28 application therefor and such portion of said fee as the commission may
29 determine, based upon its cost of processing and investigation, shall
30 be retained by the commission upon the withdrawal or denial of any such
31 license application as its reasonable expense for processing the
32 application and investigation into the granting thereof: PROVIDED
33 FURTHER, That if in a particular case the basic license fee established
34 by the commission for a particular class of license is less than the
35 commission's actual expenses to investigate that particular
36 application, the commission may at any time charge to that applicant
37 such additional fees as are necessary to pay the commission for those
38 costs. The commission may decline to proceed with its investigation

1 and no license shall be issued until the commission has been fully paid
2 therefor by the applicant: AND PROVIDED FURTHER, That the commission
3 may establish fees for the furnishing by it to licensees of
4 identification stamps to be affixed to such devices and equipment as
5 required by the commission and for such other special services or
6 programs required or offered by the commission, the amount of each of
7 these fees to be not less than is adequate to offset the cost to the
8 commission of the stamps and of administering their dispersal to
9 licensees or the cost of administering such other special services,
10 requirements or programs;

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

13 (7) To require that applications for all licenses contain such
14 information as may be required by the commission: PROVIDED, That all
15 persons (a) having a managerial or ownership interest in any gambling
16 activity, or the building in which any gambling activity occurs, or the
17 equipment to be used for any gambling activity, or (b) participating as
18 an employee in the operation of any gambling activity, shall be listed
19 on the application for the license and the applicant shall certify on
20 the application, under oath, that the persons named on the application
21 are all of the persons known to have an interest in any gambling
22 activity, building, or equipment by the person making such application:
23 PROVIDED FURTHER, That the commission shall require fingerprinting and
24 national criminal history background checks on any persons seeking
25 licenses, certifications, or permits under this chapter or of any
26 person holding an interest in any gambling activity, building, or
27 equipment to be used therefor, or of any person participating as an
28 employee in the operation of any gambling activity. All national
29 criminal history background checks shall be conducted using
30 fingerprints submitted to the United States department of justice-
31 federal bureau of investigation. The commission must establish rules
32 to delineate which persons named on the application are subject to
33 national criminal history background checks. In identifying these
34 persons, the commission must take into consideration the nature,
35 character, size, and scope of the gambling activities requested by the
36 persons making such applications;

37 (8) To require that any license holder maintain records as directed

1 by the commission and submit such reports as the commission may deem
2 necessary;

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

10 (10) To regulate and establish maximum limitations on income
11 derived from bingo. In establishing limitations pursuant to this
12 subsection the commission shall take into account (i) the nature,
13 character, and scope of the activities of the licensee; (ii) the source
14 of all other income of the licensee; and (iii) the percentage or extent
15 to which income derived from bingo is used for charitable, as
16 distinguished from nonprofit, purposes. However, the commission's
17 powers and duties granted by this subsection are discretionary and not
18 mandatory;

19 (11) To regulate and establish the type and scope of and manner of
20 conducting the gambling activities authorized by this chapter,
21 including but not limited to, the extent of wager, money, or other
22 thing of value which may be wagered or contributed or won by a player
23 in any such activities;

24 (12) To regulate the collection of and the accounting for the fee
25 which may be imposed by an organization, corporation, or person
26 licensed to conduct a social card game on a person desiring to become
27 a player in a social card game in accordance with RCW 9.46.0282;

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

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

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

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

9 In establishing these maximum limits the commission shall take into
10 account the amount of income received, or expected to be received, from
11 the class of activities to which the limits will apply and the amount
12 of money the games could generate for authorized charitable or
13 nonprofit purposes absent such expenses. The commission may also take
14 into account, in its discretion, other factors, including but not
15 limited to, the local prevailing wage scale and whether charitable
16 purposes are benefited by the activities;

17 (17) To authorize, require, and issue for a period not to exceed
18 one year such licenses or permits, for which the commission may by rule
19 provide, to any person to work for any operator of any gambling
20 activity authorized by this chapter in connection with that activity,
21 or any manufacturer, supplier, or distributor of devices for those
22 activities in connection with such business. The commission shall not
23 require that persons working solely as volunteers in an authorized
24 activity conducted by a bona fide charitable or bona fide nonprofit
25 organization, who receive no compensation of any kind for any purpose
26 from that organization, and who have no managerial or supervisory
27 responsibility in connection with that activity, be licensed to do such
28 work. The commission may require that licensees employing such
29 unlicensed volunteers submit to the commission periodically a list of
30 the names, addresses, and dates of birth of the volunteers. If any
31 volunteer is not approved by the commission, the commission may require
32 that the licensee not allow that person to work in connection with the
33 licensed activity;

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

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

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

6 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately."

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10 On page 1, line 2 of the title, after "games;" strike the remainder
11 of the title and insert "amending RCW 9.46.295 and 9.46.070; adding a
12 new section to chapter 9.46 RCW; and declaring an emergency."

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