

CERTIFICATION OF ENROLLMENT

SENATE BILL 6046

62nd Legislature
2012 Regular Session

Passed by the Senate February 13, 2012
YEAS 49 NAYS 0

President of the Senate

Passed by the House March 1, 2012
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6046** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6046

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senators Prentice, Delvin, Conway, Kohl-Welles, King, Shin, and Chase; by request of Gambling Commission

Read first time 01/09/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the powers and duties of the gambling
2 commission; and amending RCW 9.46.070.

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

4 **Sec. 1.** RCW 9.46.070 and 2007 c 206 s 1 are each amended to read
5 as follows:

6 The commission shall have the following powers and duties:

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

1 of race, sex, creed, color, or national origin: AND PROVIDED FURTHER,
2 That the commission may authorize the director to temporarily issue or
3 suspend licenses subject to final action by the commission;

4 (2) To authorize and issue licenses for a period not to exceed one
5 year to any person, association, or organization operating a business
6 primarily engaged in the selling of items of food or drink for
7 consumption on the premises, approved by the commission meeting the
8 requirements of this chapter and any rules and regulations adopted
9 pursuant thereto permitting said person, association, or organization
10 to utilize punchboards and pull-tabs and to conduct social card games
11 as a commercial stimulant in accordance with the provisions of this
12 chapter and any rules and regulations adopted pursuant thereto and to
13 revoke or suspend said licenses for violation of any provisions of this
14 chapter and any rules and regulations adopted pursuant thereto:
15 PROVIDED, That the commission shall not deny a license to an otherwise
16 qualified applicant in an effort to limit the number of licenses to be
17 issued: PROVIDED FURTHER, That the commission may authorize the
18 director to temporarily issue or suspend licenses subject to final
19 action by the commission;

20 (3) To authorize and issue licenses for a period not to exceed one
21 year to any person, association, or organization approved by the
22 commission meeting the requirements of this chapter and meeting the
23 requirements of any rules and regulations adopted by the commission
24 pursuant to this chapter as now or hereafter amended, permitting said
25 person, association, or organization to conduct or operate amusement
26 games in such manner and at such locations as the commission may
27 determine. The commission may authorize the director to temporarily
28 issue or suspend licenses subject to final action by the commission;

29 (4) To authorize, require, and issue, for a period not to exceed
30 one year, such licenses as the commission may by rule provide, to any
31 person, association, or organization to engage in the selling,
32 distributing, or otherwise supplying or in the manufacturing of devices
33 for use within this state for those activities authorized by this
34 chapter. The commission may authorize the director to temporarily
35 issue or suspend licenses subject to final action by the commission;

36 (5) To establish a schedule of annual license fees for carrying on
37 specific gambling activities upon the premises, and for such other
38 activities as may be licensed by the commission, which fees shall

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

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

29 (7) To require that applications for all licenses contain such
30 information as may be required by the commission: PROVIDED, That all
31 persons (a) having a managerial or ownership interest in any gambling
32 activity, or the building in which any gambling activity occurs, or the
33 equipment to be used for any gambling activity, or (b) participating as
34 an employee in the operation of any gambling activity, shall be listed
35 on the application for the license and the applicant shall certify on
36 the application, under oath, that the persons named on the application
37 are all of the persons known to have an interest in any gambling
38 activity, building, or equipment by the person making such application:

1 PROVIDED FURTHER, That the commission shall require fingerprinting and
2 national criminal history background checks on any persons seeking
3 licenses, certifications, or permits under this chapter or of any
4 person holding an interest in any gambling activity, building, or
5 equipment to be used therefor, or of any person participating as an
6 employee in the operation of any gambling activity. All national
7 criminal history background checks shall be conducted using
8 fingerprints submitted to the United States department of justice-
9 federal bureau of investigation. The commission must establish rules
10 to delineate which persons named on the application are subject to
11 national criminal history background checks. In identifying these
12 persons, the commission must take into consideration the nature,
13 character, size, and scope of the gambling activities requested by the
14 persons making such applications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (20) To renew the license of every person who applies for renewal
22 within six months after being honorably discharged, removed, or
23 released from active military service in the armed forces of the United
24 States upon payment of the renewal fee applicable to the license
25 period, if there is no cause for denial, suspension, or revocation of
26 the license; ((and))

27 (21) To issue licenses under subsections (1) through (4) of this
28 section that are valid for a period of up to eighteen months, if it
29 chooses to do so, in order to transition to the use of the business
30 licensing services program through the department of revenue; and

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

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