
HOUSE BILL 2219

State of Washington

66th Legislature

2020 Regular Session

By Representative Eslick

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1 AN ACT Relating to the gambling commission's authority with
2 respect to sports pool boards; and amending RCW 9.46.0335 and
3 9.46.070.

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

5 **Sec. 1.** RCW 9.46.0335 and 1987 c 4 s 31 are each amended to read
6 as follows:

7 (1) The legislature hereby authorizes any person, association, or
8 organization to conduct sports pools without a license to do so from
9 the commission but only when the outcome of which is dependent upon
10 the score, or scores, of a certain athletic contest and which is
11 conducted only in the following manner:

12 ~~((1))~~ (a) A board or piece of paper is divided into one hundred
13 equal squares, each of which constitutes a chance to win in the
14 sports pool and each of which is offered directly to prospective
15 contestants at one dollar or less or for a greater amount of money
16 established by the commission in rules as provided in subsection (2)
17 of this section;

18 ~~((2))~~ (b) The purchaser of each chance or square signs his or
19 her name on the face of each square or chance he or she purchases;
20 ~~((and~~

1 ~~(3)~~) (c) At some time not later than prior to the start of the
2 subject athletic contest the pool is closed and no further chances in
3 the pool are sold;

4 ~~((4))~~ (d) After the pool is closed a prospective score is
5 assigned by random drawing to each square;

6 ~~((5))~~ (e) All money paid by entrants to enter the pool less
7 taxes is paid out as the prize or prizes to those persons holding
8 squares assigned the winning score or scores from the subject
9 athletic contest;

10 ~~((6))~~ (f) The sports pool board is available for inspection by
11 any person purchasing a chance thereon, the commission, or by any law
12 enforcement agency upon demand at all times prior to the payment of
13 the prize;

14 ~~((7))~~ (g) The person, association, or organization conducting
15 the pool is conducting no other sports pool on the same athletic
16 event unless the commission adopts rules, as provided in subsection
17 (2) of this section, authorizing a person, association, or
18 organization to conduct multiple sports pools on the same athletic
19 event; and

20 ~~((8))~~ (h) The sports pool conforms to any rules and regulations
21 of the commission applicable thereto.

22 (2) In accordance with RCW 9.46.070, the commission may adopt
23 rules regulating sports pool boards authorized under this section.
24 The commission's rules may include, but are not limited to,
25 provisions:

26 (a) Increasing, beyond one dollar, the amount of money for which
27 squares on a sports pool board may be offered to prospective
28 contestants; and

29 (b) Authorizing a person, association, or organization to conduct
30 more than one sports pool on the same athletic event.

31 **Sec. 2.** RCW 9.46.070 and 2012 c 116 s 1 are each amended to read
32 as follows:

33 The commission shall have the following powers and duties:

34 (1) To authorize and issue licenses for a period not to exceed
35 one year to bona fide charitable or nonprofit organizations approved
36 by the commission meeting the requirements of this chapter and any
37 rules and regulations adopted pursuant thereto permitting said
38 organizations to conduct bingo games, raffles, amusement games, and
39 social card games, to utilize punchboards and pull-tabs in accordance

1 with the provisions of this chapter and any rules and regulations
2 adopted pursuant thereto and to revoke or suspend said licenses for
3 violation of any provisions of this chapter or any rules and
4 regulations adopted pursuant thereto: PROVIDED, That the commission
5 shall not deny a license to an otherwise qualified applicant in an
6 effort to limit the number of licenses to be issued: PROVIDED
7 FURTHER, That the commission or director shall not issue, deny,
8 suspend, or revoke any license because of considerations of race,
9 sex, creed, color, or national origin: AND PROVIDED FURTHER, That the
10 commission may authorize the director to temporarily issue or suspend
11 licenses subject to final action by the commission;

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

28 (3) To authorize and issue licenses for a period not to exceed
29 one year to any person, association, or organization approved by the
30 commission meeting the requirements of this chapter and meeting the
31 requirements of any rules and regulations adopted by the commission
32 pursuant to this chapter as now or hereafter amended, permitting said
33 person, association, or organization to conduct or operate amusement
34 games in such manner and at such locations as the commission may
35 determine. The commission may authorize the director to temporarily
36 issue or suspend licenses subject to final action by the commission;

37 (4) To authorize, require, and issue, for a period not to exceed
38 one year, such licenses as the commission may by rule provide, to any
39 person, association, or organization to engage in the selling,
40 distributing, or otherwise supplying or in the manufacturing of

1 devices for use within this state for those activities authorized by
2 this chapter. The commission may authorize the director to
3 temporarily issue or suspend licenses subject to final action by the
4 commission;

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

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

36 (7) To require that applications for all licenses contain such
37 information as may be required by the commission: PROVIDED, That all
38 persons (a) having a managerial or ownership interest in any gambling
39 activity, or the building in which any gambling activity occurs, or
40 the equipment to be used for any gambling activity, or (b)

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

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

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

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

39 (11) To regulate and establish the type and scope of and manner
40 of conducting the gambling activities authorized by this chapter,

1 including but not limited to, the extent of wager, money, or other
2 thing of value which may be wagered or contributed or won by a player
3 in any such activities;

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

8 (13) To cooperate with and secure the cooperation of county,
9 city, and other local or state agencies in investigating any matter
10 within 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
14 adopted pursuant to the administrative procedure act, chapter 34.05
15 RCW;

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

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

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

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

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

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

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

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

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

33 (22) To adopt rules regulating sports pool boards that the
34 commission deems appropriate as provided in RCW 9.46.0335; and

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

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