

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6046**

Chapter 116, Laws of 2012

62nd Legislature  
2012 Regular Session

GAMBLING COMMISSION--POWERS AND DUTIES

EFFECTIVE DATE: 06/07/12

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

BRAD OWEN

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**President of the Senate**

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

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 29, 2012, 2:13 p.m.

CHRISTINE GREGOIRE

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**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.

THOMAS HOEMANN

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**Secretary**

FILED

March 29, 2012

**Secretary of State  
State of Washington**

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**SENATE BILL 6046**

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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.

Passed by the Senate February 13, 2012.

Passed by the House March 1, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.