
HOUSE BILL 2919

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Day, Heavey, Fuhrman, Peery and Wilson

Read first time 01/31/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to gambling; amending RCW 9.46.070 and 9.46.113;
2 providing an effective date; and declaring an emergency.

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

4 **Sec. 1.** RCW 9.46.070 and 1987 c 4 s 38 are each amended to read as
5 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 punch boards 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

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

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

25 (3) To authorize and issue licenses for a period not to exceed one
26 year to any person, association, or organization approved by the
27 commission meeting the requirements of this chapter and meeting the
28 requirements of any rules and regulations adopted by the commission
29 pursuant to this chapter as now or hereafter amended, permitting said
30 person, association, or organization to conduct or operate amusement

1 games in such manner and at such locations as the commission may
2 determine;

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

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

1 identification stamps to be affixed to such devices and equipment as
2 required by the commission and for such other special services or
3 programs required or offered by the commission, the amount of each of
4 these fees to be not less than is adequate to offset the cost to the
5 commission of the stamps and of administering their dispersal to
6 licensees or the cost of administering such other special services,
7 requirements or programs;

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

10 (7) To require that applications for all licenses contain such
11 information as may be required by the commission: PROVIDED, That all
12 persons (a) having a managerial or ownership interest in any gambling
13 activity, or the building in which any gambling activity occurs, or the
14 equipment to be used for any gambling activity, or (b) participating as
15 an employee in the operation of any gambling activity, shall be listed
16 on the application for the license and the applicant shall certify on
17 the application, under oath, that the persons named on the application
18 are all of the persons known to have an interest in any gambling
19 activity, building, or equipment by the person making such application:
20 PROVIDED FURTHER, That the commission may require fingerprinting and
21 background checks on any persons seeking licenses under this chapter or
22 of any person holding an interest in any gambling activity, building,
23 or equipment to be used therefor, or of any person participating as an
24 employee in the operation of any gambling activity;

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

28 (9) To require that all income from bingo games, raffles, and
29 amusement games be recorded and reported as established by rule or
30 regulation of the commission to the extent deemed necessary by

1 considering the scope and character of the gambling activity in such a
2 manner that will disclose gross income from any gambling activity,
3 amounts received from each player, the nature and value of prizes, and
4 the fact of distributions of such prizes to the winners thereof;

5 (10) To regulate and establish maximum limitations on income
6 derived from bingo(~~(:—PROVIDED, That)~~). In establishing limitations
7 pursuant to this subsection the commission shall take into account (i)
8 the nature, character, and scope of the activities of the licensee;
9 (ii) the source of all other income of the licensee; and (iii) the
10 percentage or extent to which income derived from bingo is used for
11 charitable, as distinguished from nonprofit, purposes. However, the
12 commission's powers and duties granted by this subsection are
13 permissive and not mandatory;

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

19 (12) To regulate the collection of and the accounting for the fee
20 which may be imposed by an organization, corporation or person licensed
21 to conduct a social card game on a person desiring to become a player
22 in a social card game in accordance with RCW 9.46.0281(4);

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

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

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

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

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

21 (17) To authorize, require, and issue for a period not to exceed
22 one year such licenses or permits, for which the commission may by rule
23 provide, to any person to work for any operator of any gambling
24 activity authorized by this chapter in connection with that activity,
25 or any manufacturer, supplier, or distributor of devices for those
26 activities in connection with such business. The commission shall not
27 require that persons working solely as volunteers in an authorized
28 activity conducted by a bona fide charitable or bona fide nonprofit
29 organization, who receive no compensation of any kind for any purpose
30 from that organization, and who have no managerial or supervisory

1 responsibility in connection with that activity, be licensed to do such
2 work. The commission may require that licensees employing such
3 unlicensed volunteers submit to the commission periodically a list of
4 the names, addresses, and dates of birth of the volunteers. If any
5 volunteer is not approved by the commission, the commission may require
6 that the licensee not allow that person to work in connection with the
7 licensed activity;

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

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

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

17 **Sec. 2.** RCW 9.46.113 and 1975 1st ex.s. c 166 s 11 are each
18 amended to read as follows:

19 Any county, city or town which collects a tax on gambling
20 activities authorized pursuant to RCW 9.46.110 shall use at least fifty
21 percent of the revenue from such tax primarily for the purpose of
22 enforcement of the provisions of this chapter by the county, city or
23 town law enforcement agency.

24 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect June 1, 1992.