
Commerce & Labor Committee

HB 2817

Brief Description: Clarifying local government land use and zoning powers over gambling activities.

Sponsors: Representatives Lantz, Conway and Clements.

Brief Summary of Bill

- Recognizes that local jurisdictions may exercise land use and zoning powers with respect to licensed gambling activities.

Hearing Date: 2/4/02

Staff: Sydney Forrester (786-7120).

Background:

Social Card Games

The Legislature authorized social card games in 1974 as a commercial stimulant to businesses primarily engaged in the sale of food and drink for on-premises consumption. Only non-house banked games initially were authorized with a maximum five-table limit. The law was amended in 1996 allowing for an increase in the number of tables from five to 15.

In 1997, the Legislature authorized the Gambling Commission to license operators for house-banked card games. These establishments are commonly known as enhanced card rooms or mini-casinos.

The commission currently issues card room licenses by the type of games authorized--either house-banked or non-house banked. A card room licensed for house-banked games may operate up to 15 tables with a maximum wager limit of \$100. House-banked card rooms also may offer non-house banked games, but not vice versa. There are approximately 69 house-banked card rooms and 44 traditional card rooms (non-house-banked) operating currently.

Local Government and Gambling Regulation under State Law

The commission has exclusive authority to license and regulate gambling activities. The state preempts local licensing and regulatory authority for gambling, except as to powers and

duties specifically granted to a city or county. A city or county may enact only such local ordinances related to gambling that do not conflict with the rules of the commission and which are consistent with the powers and duties granted to local jurisdictions. RCW 9.46.285.

A license issued by the commission is legal authority to engage in the gambling activity for which the license is issued throughout cities and counties across the state. Notwithstanding this authority, a city or county may absolutely prohibit any or all of the gambling activities for which the license is issued, but may not change the scope of the license. RCW 9.46.295.

Local Government Planning and Zoning Authority

Article XI, section 11 of the Washington Constitution provides that a city or county may make and enforce local police, sanitary, and other regulations that are not in conflict with general laws. Local governments implement their comprehensive plans by adopting zoning ordinances. Zoning is a means of controlling use of land by placing certain restrictions on structures and improvements located on property in a particular zone.

Summary of Bill:

A city, town, city-county, or county may exercise its land use and zoning powers with respect to gambling activities.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.