

SSB 5287 - S AMD 637

By Senators Zarelli, Prentice

ADOPTED 04/22/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to
4 read as follows:

5 (1) Any license to engage in any of the gambling activities
6 authorized by this chapter ((as now exists or as hereafter amended)),
7 and issued under the authority thereof shall be legal authority to
8 engage in the gambling activities for which issued throughout the
9 incorporated and unincorporated area of any county, except that:

10 (a) The commission shall neither issue nor renew any license to
11 engage in a house-banked card game except in a location specified in a
12 license to conduct a house-banked card game approved pursuant to
13 subsection (4) of this section, or that, as of March 10, 2005:

14 (i) Is approved by the commission, is in effect, and is not
15 subsequently a license at issue in an application for relocation
16 submitted pursuant to subsection (4) of this section; or

17 (ii) Has been submitted to and has not subsequently been denied by
18 the commission;

19 (b) A licensee authorized to engage in house-banked card games
20 pursuant to a license described in (a) of this subsection may continue
21 to engage only in gambling activity authorized under the license
22 unless, on the renewal date of the license, the city, town, city-
23 county, or county with jurisdiction over the location identified in the
24 license has in effect an ordinance, resolution, or other legislative
25 act adopted pursuant to (c) of this subsection prohibiting such
26 gambling activity; and

27 (c) A city located therein with respect to that city, or a county
28 with respect to all areas within that county except for such cities,
29 may absolutely prohibit((, but may not change the scope of license,))
30 any or all of the gambling activities for which the license was issued.

1 (2) Nothing in this section authorizes any city, town, city-county,
2 or county to adopt or enforce any ordinance, resolution, or other
3 legislative act changing or purporting to change any provision within
4 the scope of a license issued under this chapter.

5 (3) For purposes of this section, an ordinance, resolution, or
6 other legislative act that:

7 (a) Prohibits all house-banked card games within the applicable
8 jurisdiction on and after the effective date of the legislative act, or
9 on and after any other date specified in the legislative act, shall be
10 deemed to be an act adopted in compliance with subsection (1)(c) of
11 this section;

12 (b) Allows any house-banked card games to continue to operate
13 within the applicable jurisdiction for an indefinite period after the
14 effective date of the legislative act, or after another date, if any,
15 specified in the legislative act, shall be deemed to be an act not in
16 compliance with subsection (1)(c) of this section, and is null and
17 void.

18 (4) The commission may issue or renew a license to engage in a
19 house-banked card game in a location specified in an application
20 submitted pursuant to rules adopted by the commission to relocate a
21 licensed premise, if:

22 (a)(i) The licensed premise proposed to be relocated was, as of
23 March 10, 2005, in a location where a house-banked card game was
24 licensed to be conducted; (ii) the application for approval to be
25 relocated is submitted to the commission on or before July 1, 2010; and
26 (iii) the location to which the applicant requests to be relocated is
27 within the geographic boundaries of the same jurisdiction in which the
28 licensee is authorized by the commission to operate on the date the
29 application is submitted;

30 (b) The city, town, city-county, or county in which the licensee
31 described in (a) of this subsection is licensed by the commission to
32 operate adopts an ordinance or resolution unequivocally approving and
33 supporting the licensee's request to relocate: (i) By at least a sixty
34 percent majority vote of the members of the jurisdiction's legislative
35 body; and (ii) within ninety days of the date the application described
36 in (a) of this subsection is submitted; and

37 (c) The commission approves the application to relocate with at

1 least a sixty percent majority vote of the voting members of the
2 commission.

3 (5) The commission shall not approve an application submitted
4 pursuant to subsection (4) of this section if the licensee: (a) Has
5 previously applied to relocate the premise; or (b) does not meet any
6 existing standard required to obtain or retain a license to engage in
7 a house-banked card game.

8 (6) An application to relocate a licensed premise under subsection
9 (4) of this section shall not be approved, and if previously approved,
10 the license to engage in a house-banked card game at such location
11 shall be revoked and not subsequently issued or renewed in any
12 location, if the licensee who submitted the application under
13 subsection (4) of this section, or any director, officer, or other
14 substantial interest holder of the licensed gambling activity, pleads
15 guilty to or is found guilty of any crime constituting, or if
16 prosecuted under the laws of Washington would constitute, a class A, B,
17 or C felony under RCW 9A.20.021 or 9A.20.040 or Title 9 RCW, arising
18 out of any act or acts that occurred at any time the licensee held a
19 license issued by the commission.

20 **Sec. 2.** RCW 9.46.070 and 2002 c 119 s 1 are each amended to read
21 as follows:

22 The commission shall have the following powers and duties:

23 (1) To authorize and issue licenses for a period not to exceed one
24 year to bona fide charitable or nonprofit organizations approved by the
25 commission meeting the requirements of this chapter and any rules (~~and~~
26 ~~regulations~~) adopted pursuant thereto permitting said organizations to
27 conduct bingo games, raffles, amusement games, and social card games,
28 to utilize punch boards and pull-tabs in accordance with the provisions
29 of this chapter and any rules (~~and regulations~~) adopted pursuant
30 thereto and to revoke or suspend said licenses for violation of any
31 provisions of this chapter or any rules (~~and regulations~~) adopted
32 pursuant thereto(~~(:—PROVIDED, That)~~). However, except as provided in
33 RCW 9.46.295, the commission shall not deny a license to an otherwise
34 qualified applicant in an effort to limit the number of licenses to be
35 issued(~~(:—PROVIDED FURTHER, That)~~). The commission or director shall
36 not issue, deny, suspend, or revoke any license because of
37 considerations of race, sex, creed, color, or national origin(~~(:—AND~~

1 ~~PROVIDED FURTHER, That~~)). The commission may authorize the director to
2 temporarily issue or suspend licenses subject to final action by the
3 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 punch boards 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
13 to revoke or suspend said licenses for violation of any provisions of
14 this chapter and any rules (~~and regulations~~) adopted pursuant
15 thereto(~~PROVIDED, That~~). However, except as provided in RCW
16 9.46.295, 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 may authorize the
19 director to temporarily issue or suspend licenses subject to final
20 action by the commission;

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

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;

35 (5) To establish a schedule of annual license fees for carrying on
36 specific gambling activities upon the premises, and for such other
37 activities as may be licensed by the commission, which fees shall
38 provide to the commission not less than an amount of money adequate to

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

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

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

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

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

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

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

33 (11) To regulate and establish the type and scope of and manner of
34 conducting the gambling activities authorized by this chapter,
35 including but not limited to, the extent of wager, money, or other
36 thing of value which may be wagered or contributed or won by a player
37 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) To establish and regulate a maximum limit on salaries or wages
17 which may be paid to persons employed in connection with activities
18 conducted by bona fide charitable or nonprofit organizations and
19 authorized by this chapter, where payment of such persons is allowed,
20 and to regulate and establish maximum limits for other expenses in
21 connection with such authorized activities, including but not limited
22 to rent or lease payments. However, the commissioner's powers and
23 duties granted by this subsection are discretionary and not mandatory.

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

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

1 activity conducted by a bona fide charitable or bona fide nonprofit
2 organization, who receive no compensation of any kind for any purpose
3 from that organization, and who have no managerial or supervisory
4 responsibility in connection with that activity, be licensed to do such
5 work. The commission may require that licensees employing such
6 unlicensed volunteers submit to the commission periodically a list of
7 the names, addresses, and dates of birth of the volunteers. If any
8 volunteer is not approved by the commission, the commission may require
9 that the licensee not allow that person to work in connection with the
10 licensed activity;

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

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

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

20 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately."

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24 On page 1, line 1 of the title, after "games;" strike the remainder
25 of the title and insert "amending RCW 9.46.295 and 9.46.070; and
26 declaring an emergency."

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