
HOUSE BILL 2103

State of Washington

65th Legislature

2017 Regular Session

By Representative Sawyer

Read first time 02/14/17. Referred to Committee on Appropriations.

1 AN ACT Relating to the gambling commission; amending RCW 9.46.100
2 and 9.46.210; and providing an effective date.

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

4 **Sec. 1.** RCW 9.46.100 and 2004 c 276 s 903 are each amended to
5 read as follows:

6 (1) There is hereby created the gambling revolving fund (~~which~~
7 ~~shall~~) that consists of all moneys receivable for licensing,
8 penalties, forfeitures, and all other moneys, income, or revenue
9 received by the commission. The state treasurer (~~shall~~) must be
10 custodian of the fund. All moneys received by the commission or any
11 employee thereof, except for change funds and an amount of petty cash
12 as fixed by rule or regulation of the commission, (~~shall~~) must be
13 deposited each day in a depository approved by the state treasurer
14 and transferred to the state treasurer to be credited to the gambling
15 revolving fund. Disbursements from the revolving fund (~~shall~~) must
16 be on authorization of the commission or a duly authorized
17 representative thereof. In order to maintain an effective expenditure
18 and revenue control the gambling revolving fund (~~shall—be~~) is
19 subject in all respects to chapter 43.88 RCW but no appropriation
20 (~~shall—be~~) is required to permit expenditures and payment of
21 obligations from such fund. All expenses relative to commission

1 business, including but not limited to salaries and expenses of the
2 director and other commission employees (~~shall~~), except as provided
3 in subsection (2) of this section, must be paid from the gambling
4 revolving fund.

5 (2)(a) In accordance with RCW 9.46.210, no moneys in the gambling
6 revolving fund may be expended to exercise any power, duty, or
7 authority of the commission with respect to the commission's law
8 enforcement powers, duties, or authority in RCW 9.46.210(3).

9 (b) The legislature must appropriate from the state general fund
10 moneys sufficient to fund the commission's law enforcement powers,
11 duties, and authority in RCW 9.46.210(3).

12 (3) During the 2003-2005 fiscal biennium, the legislature may
13 transfer from the gambling revolving fund to the problem gambling
14 treatment account, contingent on enactment of chapter . . . , Laws of
15 2004 (Second Substitute House Bill No. 2776, problem gambling
16 treatment). Also during the 2003-2005 fiscal biennium, the
17 legislature may transfer from the gambling revolving fund to the
18 state general fund such amounts as reflect the excess nontribal fund
19 balance of the fund. The commission shall not increase fees during
20 the 2003-2005 fiscal biennium for the purpose of restoring the excess
21 fund balance transferred under this section.

22 **Sec. 2.** RCW 9.46.210 and 2000 c 46 s 1 are each amended to read
23 as follows:

24 (1) It (~~shall be~~) is the duty of all peace officers, law
25 enforcement officers, and law enforcement agencies within this state
26 to investigate, enforce, and prosecute all violations of this
27 chapter.

28 (2) In addition to the authority granted by subsection (1) of
29 this section law enforcement agencies of cities and counties shall
30 investigate and report to the commission all violations of the
31 provisions of this chapter and of the rules of the commission found
32 by them and shall assist the commission in any of its investigations
33 and proceedings respecting any such violations. Such law enforcement
34 agencies shall not be deemed agents of the commission.

35 (3)(a) In addition to its other powers and duties, the commission
36 (~~shall have~~) has the power to enforce the penal provisions of
37 chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and
38 the penal laws of this state relating to the conduct of or
39 participation in gambling activities and the manufacturing,

1 importation, transportation, distribution, possession, and sale of
2 equipment or paraphernalia used or for use in connection therewith.
3 The director, the deputy director, both assistant directors, and each
4 of the commission's investigators, enforcement officers, and
5 inspectors (~~shall~~) have the power, under the supervision of the
6 commission, to enforce the penal provisions of chapter 218, Laws of
7 1973 1st ex. sess. and as it may be amended, and the penal laws of
8 this state relating to the conduct of or participation in gambling
9 activities and the manufacturing, importation, transportation,
10 distribution, possession, and sale of equipment or paraphernalia used
11 or for use in connection therewith. They (~~shall~~) have the power and
12 authority to apply for and execute all warrants and serve process of
13 law issued by the courts in enforcing the penal provisions of chapter
14 218, Laws of 1973 1st ex. sess. and as it may be amended, and the
15 penal laws of this state relating to the conduct of or participation
16 in gambling activities and the manufacturing, importation,
17 transportation, distribution, possession, and sale of equipment or
18 paraphernalia used or for use in connection therewith. They (~~shall~~)
19 have the power to arrest without a warrant, any person or persons
20 found in the act of violating any of the penal provisions of chapter
21 218, Laws of 1973 1st ex. sess. and as it may be amended, and the
22 penal laws of this state relating to the conduct of or participation
23 in gambling activities and the manufacturing, importation,
24 transportation, distribution, possession, and sale of equipment or
25 paraphernalia used or for use in connection therewith. To the extent
26 set forth above, the commission shall be a law enforcement agency of
27 this state with the power to investigate for violations of and to
28 enforce the provisions of this chapter, as now law or hereafter
29 amended, and to obtain information from and provide information to
30 all other law enforcement agencies.

31 (b)(i) All expenditures by the commission pursuant to the
32 commission's powers, duties, and authority in this subsection (3) are
33 subject to legislative appropriation. The commission may not spend
34 moneys from the gambling revolving fund in RCW 9.46.100, or any other
35 moneys other than moneys appropriated by the legislature, while
36 exercising any law enforcement power, duty, or authority, or
37 otherwise implementing or acting under the authority granted in this
38 subsection (3).

1 (ii) The legislature must appropriate from the state general fund
2 moneys sufficient to fund the commission's law enforcement powers,
3 duties, and authority in this subsection (3).

4 (4) Criminal history record information that includes
5 nonconviction data, as defined in RCW 10.97.030, may be disseminated
6 by a criminal justice agency to the Washington state gambling
7 commission for any purpose associated with the investigation for
8 suitability for involvement in gambling activities authorized under
9 this chapter. The Washington state gambling commission shall only
10 disseminate nonconviction data obtained under this section to
11 criminal justice agencies.

12 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2018.

--- END ---