
HOUSE BILL 2121

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Wang, Schmidt, Vance, Winsley, Moyer, Bowman, Betrozoff, Casada, D. Sommers, P. Johnson, Tate and Silver.

Read first time February 26, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to gambling; amending RCW 9.46.010, 9.46.0311,
2 9.46.0351, and 67.70.040; repealing RCW 9.46.0233; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 9.46.010 and 1975 1st ex.s. c 259 s 1 are each amended
6 to read as follows:

7 It is hereby declared to be the policy of the legislature,
8 recognizing the close relationship between professional gambling and
9 organized crime, to restrain all persons from seeking profit from
10 professional gambling activities in this state; to restrain all persons
11 from patronizing such professional gambling activities; to safeguard
12 the public against the evils induced by common gamblers and common
13 gambling houses engaged in professional gambling; and at the same time,
14 both to preserve the freedom of the press and to avoid restricting
15 participation by individuals in activities and social pastimes, which

1 activities and social pastimes are more for amusement rather than for
2 profit, do not maliciously affect the public, and do not breach the
3 peace.

4 The legislature finds that P.L. 100-497 states that Indian tribes
5 have the exclusive right to regulate gambling activity if the gambling
6 activity is not specifically prohibited by federal law and is conducted
7 within a state that does not, as a matter of criminal law and public
8 policy, prohibit such gambling activity. The legislature further
9 declares that the raising of funds for the promotion of bona fide
10 charitable or nonprofit organizations is in the public interest ((~~as~~
11 ~~is~~)) when limited to participation in such activities and social
12 pastimes as are hereinafter in this chapter authorized. However,
13 fundraising events involving contests of chance such as roulette,
14 craps, and blackjack or other card games in which the dealer does not
15 rotate among the players, as authorized prior to the effective date of
16 this act, could mistakenly be interpreted as indicative of a state
17 policy authorizing some form of casino-style gambling. While the
18 legislature expressly recognizes the authority of Indian tribes to
19 regulate gambling activities on Indian lands under P.L. 100-497, and
20 further recognizes the potential importance of gambling in promoting
21 tribal economic development as a goal of federal Indian policy, the
22 legislature declares that casino-style gambling is contrary to the
23 public policy of the state, whether conducted occasionally or
24 regularly.

25 The legislature further declares that only the conducting of bingo,
26 raffles, and amusement games and the operation of punch boards, pull-
27 tabs, card games and other social pastimes, when conducted pursuant to
28 the provisions of this chapter and any rules and regulations adopted
29 pursuant thereto, are hereby authorized, as are only such lotteries for

1 which no valuable consideration has been paid or agreed to be paid as
2 hereinafter in this chapter provided.

3 The legislature further declares that fishing derbies shall not
4 constitute any form of gambling and shall not be considered as a
5 lottery, a raffle, or an amusement game and shall not be subject to the
6 provisions of this chapter or any rules and regulations adopted
7 hereunder.

8 All factors incident to the activities authorized in this chapter
9 shall be closely controlled, and the provisions of this chapter shall
10 be liberally construed to achieve such end.

11 **Sec. 2.** RCW 9.46.0311 and 1987 c 4 s 26 are each amended to read
12 as follows:

13 The legislature hereby authorizes bona fide charitable or nonprofit
14 organizations to conduct bingo games, raffles, and amusement games,
15 (~~and fund raising events,~~) and to utilize punch boards and pull-tabs
16 and to allow their premises and facilities to be used by only members,
17 their guests, and members of a chapter or unit organized under the same
18 state, regional, or national charter or constitution, to play social
19 card games authorized by the commission, when licensed, conducted or
20 operated pursuant to the provisions of this chapter and rules and
21 regulations adopted pursuant thereto.

22 **Sec. 3.** RCW 9.46.0351 and 1987 c 4 s 34 are each amended to read
23 as follows:

24 (1) The legislature hereby authorizes any bona fide charitable or
25 nonprofit organization which is licensed pursuant to RCW 66.24.400, and
26 its officers and employees, to allow the use of the premises,
27 furnishings, and other facilities not gambling devices of such
28 organization by members of the organization, and members of a chapter

1 or unit organized under the same state, regional, or national charter
2 or constitution, who engage as players only in (~~the following types of~~
3 ~~gambling activities only:~~

4 ~~(a))~~ social card games as defined in RCW 9.46.0281 (1) through
5 (4)~~((; and~~

6 ~~(b) Social dice games, which shall be limited to contests of~~
7 ~~chance, the outcome of which are determined by one or more rolls of~~
8 ~~dice)).~~

9 (2) Bona fide charitable or nonprofit organizations shall not be
10 required to be licensed by the commission in order to allow use of
11 their premises in accordance with this section. However, the following
12 conditions must be met:

13 (a) No organization, corporation, or person shall collect or obtain
14 or charge any percentage of or shall collect or obtain any portion of
15 the money or thing of value wagered or won by any of the players:
16 PROVIDED, That a player may collect his or her winnings; and

17 (b) No organization, corporation, or person shall collect or obtain
18 any money or thing of value from, or charge or impose any fee upon, any
19 person which either enables him or her to play or results in or from
20 his or her playing: PROVIDED, That this subsection shall not preclude
21 collection of a membership fee which is unrelated to participation in
22 gambling activities authorized under this section.

23 **Sec. 4.** RCW 67.70.040 and 1988 c 289 s 801 are each amended to
24 read as follows:

25 The commission shall have the power, and it shall be its duty:

26 (1) To promulgate such rules governing the establishment and
27 operation of a state lottery as it deems necessary and desirable in
28 order that such a lottery be initiated at the earliest feasible and
29 practicable time, and in order that such lottery produce the maximum

1 amount of net revenues for the state consonant with the dignity of the
2 state and the general welfare of the people. Such rules shall include,
3 but shall not be limited to, the following:

4 (a) The type of lottery to be conducted which may include the
5 selling of tickets or shares(~~(, or)~~). The use of electronic or
6 mechanical devices or video terminals which ((do not require a printed
7 ticket:—PROVIDED, That)) allow for individual play against such
8 devices or terminals shall be prohibited. Approval of the legislature
9 shall be required before entering any agreement with other state
10 lotteries to conduct shared games;

11 (b) The price, or prices, of tickets or shares in the lottery;

12 (c) The numbers and sizes of the prizes on the winning tickets or
13 shares;

14 (d) The manner of selecting the winning tickets or shares;

15 (e) The manner and time of payment of prizes to the holder of
16 winning tickets or shares which, at the director's option, may be paid
17 in lump sum amounts or installments over a period of years;

18 (f) The frequency of the drawings or selections of winning tickets
19 or shares, without limitation;

20 (g) Without limit as to number, the type or types of locations at
21 which tickets or shares may be sold;

22 (h) The method to be used in selling tickets or shares(~~(, which may~~
23 ~~include the use of electronic or mechanical devices and video~~
24 ~~terminals))~~);

25 (i) The licensing of agents to sell or distribute tickets or
26 shares, except that a person under the age of eighteen shall not be
27 licensed as an agent;

28 (j) The manner and amount of compensation, if any, to be paid
29 licensed sales agents necessary to provide for the adequate

1 availability of tickets or shares to prospective buyers and for the
2 convenience of the public;

3 (k) The apportionment of the total revenues accruing from the sale
4 of lottery tickets or shares and from all other sources among: (i) The
5 payment of prizes to the holders of winning tickets or shares, which
6 shall not be less than forty-five percent of the gross annual revenue
7 from such lottery, less amounts of unclaimed prizes deposited in the
8 general fund under RCW 67.70.190 during the fiscal year ending June 30,
9 1989, (ii) transfers to the lottery administrative account created by
10 RCW 67.70.260, and (iii) transfer to the state's general fund.
11 Transfers to the state general fund shall be made in compliance with
12 RCW 43.01.050;

13 (1) Such other matters necessary or desirable for the efficient and
14 economical operation and administration of the lottery and for the
15 convenience of the purchasers of tickets or shares and the holders of
16 winning tickets or shares.

17 (2) To ensure that in each place authorized to sell lottery tickets
18 or shares, on the back of the ticket or share, and in any advertising
19 or promotion there shall be conspicuously displayed an estimate of the
20 probability of purchasing a winning ticket.

21 (3) To amend, repeal, or supplement any such rules from time to
22 time as it deems necessary or desirable.

23 (4) To advise and make recommendations to the director for the
24 operation and administration of the lottery.

25 NEW SECTION. **Sec. 5.** RCW 9.46.0233 and 1987 c 4 s 24 are each
26 repealed.

27 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.