

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6533

Chapter 101, Laws of 1996

54th Legislature
1996 Regular Session

FISH AND WILDLIFE COMMISSION--AUCTIONS AND RAFFLES

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 2, 1996
YEAS 44 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 27, 1996
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 15, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6533** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 15, 1996 - 3:32 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6533

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Owen, Oke, Bauer, Sutherland and Hochstatter; by request of Department of Fish and Wildlife)

Read first time 02/02/96.

1 AN ACT Relating to auctions and raffles authorized by the fish and
2 wildlife commission; amending RCW 9.46.010, 77.12.170, 77.32.050,
3 77.32.060, 77.32.090, 77.32.230, and 77.32.250; adding a new section to
4 chapter 9.46 RCW; adding a new section to chapter 77.08 RCW; adding new
5 sections to chapter 77.12 RCW; creating a new section; and repealing
6 RCW 77.12.700.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that it is in the best
9 interest of recreational hunters to provide them with the variety of
10 hunting opportunities provided by auctions and raffles. Raffles
11 provide an affordable opportunity for most hunters to participate in
12 special hunts for big game animals and wild turkeys. The legislature
13 also finds that wildlife management and recreation are not adequately
14 funded and that such auctions and raffles can increase revenues to
15 improve wildlife management and recreation.

16 **Sec. 2.** RCW 9.46.010 and 1994 c 218 s 2 are each amended to read
17 as follows:

1 The public policy of the state of Washington on gambling is to keep
2 the criminal element out of gambling and to promote the social welfare
3 of the people by limiting the nature and scope of gambling activities
4 and by strict regulation and control.

5 It is hereby declared to be the policy of the legislature,
6 recognizing the close relationship between professional gambling and
7 organized crime, to restrain all persons from seeking profit from
8 professional gambling activities in this state; to restrain all persons
9 from patronizing such professional gambling activities; to safeguard
10 the public against the evils induced by common gamblers and common
11 gambling houses engaged in professional gambling; and at the same time,
12 both to preserve the freedom of the press and to avoid restricting
13 participation by individuals in activities and social pastimes, which
14 activities and social pastimes are more for amusement rather than for
15 profit, do not maliciously affect the public, and do not breach the
16 peace.

17 The legislature further declares that the raising of funds for the
18 promotion of bona fide charitable or nonprofit organizations is in the
19 public interest as is participation in such activities and social
20 pastimes as are hereinafter in this chapter authorized.

21 The legislature further declares that the conducting of bingo,
22 raffles, and amusement games and the operation of punch boards, pull-
23 tabs, card games and other social pastimes, when conducted pursuant to
24 the provisions of this chapter and any rules and regulations adopted
25 pursuant thereto, are hereby authorized, as are only such lotteries for
26 which no valuable consideration has been paid or agreed to be paid as
27 hereinafter in this chapter provided.

28 The legislature further declares that fishing derbies shall not
29 constitute any form of gambling and shall not be considered as a
30 lottery, a raffle, or an amusement game and shall not be subject to the
31 provisions of this chapter or any rules and regulations adopted
32 hereunder.

33 The legislature further declares that raffles authorized by the
34 fish and wildlife commission involving hunting big game animals or wild
35 turkeys shall not be subject to the provisions of this chapter or any
36 rules and regulations adopted hereunder, with the exception of this
37 section and section 3 of this act.

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

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW
5 to read as follows:

6 Any raffle authorized by the fish and wildlife commission involving
7 hunting big game animals or wild turkeys shall not be subject to any
8 provisions of this chapter other than RCW 9.46.010 and this section or
9 to any rules or regulations of the gambling commission.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.08 RCW
11 to read as follows:

12 "Raffle," as used in this title, means an activity in which tickets
13 bearing an individual number are sold for not more than twenty-five
14 dollars each and in which a permit or permits are awarded to hunt or
15 for access to hunt big game animals or wild turkeys on the basis of a
16 drawing from the tickets by the person or persons conducting the
17 raffle.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.12 RCW
19 to read as follows:

20 (1) The commission in consultation with the director may authorize
21 hunting of big game animals and wild turkeys through auction. The
22 department may conduct the auction for the hunt or contract with a
23 nonprofit wildlife conservation organization to conduct the auction for
24 the hunt.

25 (2) The commission in consultation with the director may authorize
26 hunting of up to a total of fifteen big game animals and wild turkeys
27 per year through raffle. The department may conduct raffles or
28 contract with a nonprofit wildlife conservation organization to conduct
29 raffles for hunting these animals. In consultation with the gambling
30 commission, the director may adopt rules for the implementation of
31 raffles involving hunting.

32 (3) The director shall establish the procedures for the hunts,
33 which shall require any participants to obtain any required license,
34 permit, or tag. Representatives of the department may participate in
35 the hunt upon the request of the commission to ensure that the animals
36 to be killed are properly identified.

1 (4) After deducting the expenses of conducting an auction or
2 raffle, any revenues retained by a nonprofit organization, as specified
3 under contract with the department, shall be devoted solely for
4 wildlife conservation, consistent with its qualification as a bona fide
5 nonprofit organization for wildlife conservation.

6 (5) The department's share of revenues from auctions and raffles
7 shall be deposited in the state wildlife fund. The revenues shall be
8 used to improve the habitat, health, and welfare of the species
9 auctioned or raffled and shall supplement, rather than replace, other
10 funds budgeted for management of that species. The commission may
11 solicit input from groups or individuals with special interest in and
12 expertise on a species in determining how to use these revenues.

13 (6) A nonprofit wildlife conservation organization may petition the
14 commission to authorize an auction or raffle for a special hunt for big
15 game animals and wild turkeys.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW
17 to read as follows:

18 If a private entity has a private lands wildlife management area
19 agreement in effect with the department, the commission may authorize
20 the private entity to conduct raffles for access to hunt for big game
21 animals and wild turkeys to meet the conditions of the agreement. The
22 private entity shall comply with all applicable rules adopted under
23 section 5 of this act for the implementation of raffles; however,
24 raffle hunts conducted pursuant to this section shall not be counted
25 toward the number of raffle hunts the commission may authorize under
26 section 5 of this act. The director shall establish the procedures for
27 the hunts, which shall require any participants to obtain any required
28 license, permit, or tag. Representatives of the department may
29 participate in the hunt upon the request of the commission to ensure
30 that the animals to be killed are properly identified.

31 **Sec. 7.** RCW 77.12.170 and 1989 c 314 s 4 are each amended to read
32 as follows:

33 (1) There is established in the state treasury the state wildlife
34 fund which consists of moneys received from:

35 (a) Rentals or concessions of the department;

36 (b) The sale of real or personal property held for department
37 purposes;

1 (c) The sale of licenses, permits, tags, stamps, and punchcards
2 required by this title;

3 (d) Fees for informational materials published by the department;

4 (e) Fees for personalized vehicle license plates as provided in
5 chapter 46.16 RCW;

6 (f) Articles or wildlife sold by the director under this title;

7 (g) Compensation for wildlife losses or gifts or grants received
8 under RCW 77.12.320;

9 (h) Excise tax on anadromous game fish collected under chapter
10 82.27 RCW; ~~((and))~~

11 (i) The sale of personal property seized by the department for
12 wildlife violations; and

13 (j) The department's share of revenues from auctions and raffles
14 authorized by the commission.

15 (2) State and county officers receiving any moneys listed in
16 subsection (1) of this section shall deposit them in the state treasury
17 to be credited to the state wildlife fund.

18 **Sec. 8.** RCW 77.32.050 and 1995 c 116 s 1 are each amended to read
19 as follows:

20 Licenses, permits, tags, and stamps required by this chapter and
21 raffle tickets authorized under chapter 77.12 RCW shall be issued under
22 the authority of the commission. The director may authorize department
23 personnel, county auditors, or other reputable citizens to issue
24 licenses, permits, tags, ~~((and))~~ stamps, and raffle tickets, and
25 collect the appropriate fees. The authorized persons shall pay on
26 demand or before the tenth day of the following month the fees
27 collected and shall make reports as required by the director. The
28 director may adopt rules for issuing licenses, permits, tags, ~~((and))~~
29 stamps, and raffle tickets, collecting and paying fees, and making
30 reports.

31 **Sec. 9.** RCW 77.32.060 and 1995 c 116 s 2 are each amended to read
32 as follows:

33 The director may adopt rules establishing the amount a license
34 dealer may charge and keep for each license, tag, permit, ~~((or))~~ stamp,
35 or raffle ticket issued. The director shall establish the amount to be
36 retained by dealers to be at least fifty cents for each license issued,
37 and twenty-five cents for each tag, permit, ~~((or))~~ stamp, or raffle

1 ticket, issued. The director shall report to the next regular session
2 of the legislature explaining any increase in the amount retained by
3 license dealers. Fees retained by dealers shall be uniform throughout
4 the state.

5 **Sec. 10.** RCW 77.32.090 and 1995 c 116 s 4 are each amended to read
6 as follows:

7 The director may adopt rules pertaining to the form, period of
8 validity, use, possession, and display of licenses, permits, tags, and
9 stamps required by this chapter and raffle tickets authorized under
10 chapter 77.12 RCW.

11 **Sec. 11.** RCW 77.32.230 and 1994 c 255 s 12 are each amended to
12 read as follows:

13 (1) A person sixty-five years of age or older who is an honorably
14 discharged veteran of the United States armed forces having a service-
15 connected disability and who is a resident may receive upon written
16 application a hunting and fishing license free of charge.

17 (2) Residents who are honorably discharged veterans of the United
18 States armed forces with a thirty percent or more service-connected
19 disability may receive upon written application a hunting and fishing
20 license free of charge.

21 (3) An honorably discharged veteran who is a resident and is
22 confined to a wheelchair shall receive upon application a hunting
23 license free of charge.

24 (4) A person who is blind, or a person with a developmental
25 disability as defined in RCW 71A.10.020 with documentation of the
26 disability from the department of social and health services, or a
27 physically handicapped person confined to a wheelchair may receive upon
28 written application a fishing license free of charge.

29 (5) A person who is blind or a physically handicapped person
30 confined to a wheelchair who has been issued a card for a permanent
31 disability under RCW 46.16.381 may use that card in place of a fishing
32 license.

33 (6) A fishing license is not required for residents under the age
34 of fifteen.

35 (7) Tags, permits, stamps, and steelhead licenses required by this
36 chapter and raffle tickets authorized under chapter 77.12 RCW shall be

1 purchased separately by persons receiving a free or reduced-fee
2 license.

3 (8) Licenses issued at no charge under this section shall be issued
4 from Olympia as provided by rule of the director, and are valid for
5 five years.

6 **Sec. 12.** RCW 77.32.250 and 1995 c 116 s 5 are each amended to read
7 as follows:

8 Licenses, permits, tags, and stamps required by this chapter and
9 raffle tickets authorized under chapter 77.12 RCW shall not be
10 transferred and, unless otherwise provided in this chapter, are void on
11 January 1st following the year for which the license, permit, tag,
12 ~~((or))~~ stamp, or raffle ticket was issued.

13 Upon request of a wildlife agent or ex officio wildlife agent,
14 persons licensed, operating under a permit, or possessing wildlife
15 under the authority of this chapter shall produce required licenses,
16 permits, tags, ~~((or))~~ stamps, or raffle tickets for inspection and
17 write their signatures for comparison and in addition display their
18 wildlife. Failure to comply with the request is prima facie evidence
19 that the person has no license or is not the person named.

20 NEW SECTION. **Sec. 13.** RCW 77.12.700 and 1987 c 506 s 56 are each
21 repealed.

Passed the Senate March 2, 1996.

Passed the House February 27, 1996.

Approved by the Governor March 15, 1996.

Filed in Office of Secretary of State March 15, 1996.