
Commerce & Labor Committee

HB 2162

Brief Description: Regulating house-banked social card games.

Sponsors: Representatives Conway, Condotta, Green, Chase, Wood, Goodman and Schmick.

Brief Summary of Bill

- Permits local jurisdictions to limit the number of house-banked social card games to those licensed and operating as of the effective date of the act.

Hearing Date: 2/17/09

Staff: Joan Elgee (786-7106)

Background:

The Washington State Gambling Act (Act) grants the Gambling Commission (Commission) exclusive authority to license and regulate gambling activities. The Commission may issue licenses to conduct social card games, including house-banked card games, as a commercial stimulant. The Commission may not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses.

A local jurisdiction's authority over gambling activity is limited to absolutely prohibiting a gambling activity and imposing restrictions such as parking requirements that apply to other commercial activities. In 2003 the State Court of Appeals (Court) invalidated a city ordinance that banned certain new gambling facilities but allowed existing ones to continue to operate for five years. The Court ruled that the "phasing-out" provision amounted to a regulation of gambling activity and was preempted by the Act.

The Commission identifies about 20 jurisdictions that have zoning ordinances, partial bans, or moratoria relating to card games. About 80 card rooms currently operate in the state.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Legislative intent is stated that local jurisdictions have authority to ban house-banked social card games (card games), allow card games, or limit the number of card games.

A local jurisdiction may continue to absolutely prohibit card games. A local jurisdiction may also limit the number of card games to those licensed and operating as of the effective date of the act. If a prohibition or limitation is repealed, the limitation may not be reinstated for at least five years and a prohibition may not be reinstated for at least 10 years.

If a city or town with a prohibition or limitation annexes an area in a jurisdiction that permits card games, the city or town may not impose its prohibition or limitation upon licensed and operating card games in the annexed area for at least three years after annexation.

A local jurisdiction that adopts a prohibition or limitation on card games must file a copy of the legislative act with the Gambling Commission (Commission). The Commission must adopt rules allowing electronic filing.

When a card game licensee applies or reapplies for a license, the licensee must inform and verify to Commission staff that it is permitted to conduct card games in its chosen location. A verification may consist of a letter certifying that the licensee may operate at the chosen location.

The Commission, its members, and staff are absolutely immune from any legal action relating to a decision of the Commission to issue, renew, or not issue a card game license, or that is based on the Commission's interpretation of the provisions or any local legislative act. No court, board, or other tribunal has jurisdiction to join the Commission as a party to any such legal action.

Rules Authority: The bill contains provisions addressing the rule-making authority of the Gambling Commission.

Appropriation: None.

Fiscal Note: Requested on 2/11/09.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.