
SENATE BILL 5317

State of Washington

53rd Legislature

1993 Regular Session

By Senators Skratek and Haugen

Read first time 01/22/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to obsolete references; amending RCW 9.41.300,
2 9.46.0201, 9.46.0205, 9.46.0209, 9.46.0217, 9.46.0221, 9.46.0233,
3 9.46.0261, 9.46.0273, 9.46.0281, 9.46.0311, 9.46.0315, 9.46.0321,
4 9.46.0331, 9.46.0335, 9.46.0341, 9.46.0345, 9.46.0351, 9.46.0361,
5 9.46.060, 9.46.070, 9.46.075, 9.46.077, 9.46.080, 9.46.085, 9.46.090,
6 9.46.095, 9.46.100, 9.46.110, 9.46.116, 9.46.120, 9.46.130, 9.46.140,
7 9.46.150, 9.46.153, 9.46.158, 9.46.160, 9.46.170, 9.46.198, 9.46.210,
8 9.46.220, 9.46.225, 9.46.250, 9.46.285, 9.46.293, 9.46.300, 9.46.310,
9 9.46.350, 9.46.360, 10.93.020, 19.02.040, 19.02.050, 19.09.020,
10 19.126.070, 36.27.020, 42.17.2401, 43.03.028, 43.82.010, 51.16.210,
11 66.04.010, 66.08.020, 66.08.022, 66.08.075, 66.08.230, 66.12.190,
12 66.16.010, 66.24.010, 66.24.160, 66.24.185, 66.24.204, 66.24.206,
13 66.24.210, 66.24.260, 66.24.270, 66.24.480, 66.24.481, 66.24.490,
14 66.24.495, 66.28.040, 66.28.045, 66.40.030, 66.40.140, 66.44.190,
15 66.44.292, 66.44.310, 66.44.350, 67.16.010, 67.16.020, 67.16.040,
16 67.16.050, 67.16.060, 67.16.075, 67.16.100, 67.16.101, 67.16.102,
17 67.16.105, 67.16.110, 67.16.130, 67.16.140, 67.16.150, 67.16.160,
18 67.16.175, 67.16.190, 67.16.200, 67.16.230, 67.16.300, 67.70.055,
19 67.70.070, and 82.04.350; and reenacting and amending RCW 9.46.230 and
20 51.12.020.

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

2 **Sec. 1.** RCW 9.41.300 and 1985 c 428 s 2 are each amended to read
3 as follows:

4 (1) It is unlawful for any person to enter the following places
5 when he or she knowingly possesses or knowingly has under his or her
6 control a firearm:

7 (a) The restricted access areas of a jail, or of a law enforcement
8 facility, or any place used for the confinement of a person (i)
9 arrested for, charged with, or convicted of an offense, (ii) charged
10 with being or adjudicated to be a juvenile offender as defined in RCW
11 13.40.020, (iii) held for extradition or as a material witness, or (iv)
12 otherwise confined pursuant to an order of a court, except an order
13 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
14 include common areas of egress or ingress open to the general public;

15 (b) A courtroom or judge's chamber, while either is being used for
16 any judicial proceeding. This does not include common areas of egress
17 and ingress of the courthouse;

18 (c) The restricted access areas of a public mental health facility
19 certified by the department of social and health services for inpatient
20 hospital care and state institutions for the care of the mentally ill,
21 excluding those facilities solely for evaluation and treatment.
22 Restricted access areas do not include common areas of egress and
23 ingress open to the general public; or

24 (d) That portion of an establishment classified by the state
25 gambling and liquor control board as off-limits to persons under
26 twenty-one years of age.

27 (2) Notwithstanding RCW 9.41.290, cities, towns, counties, and
28 other municipalities may enact laws and ordinances:

29 (a) Restricting the discharge of firearms in any portion of their
30 respective jurisdictions where there is a reasonable likelihood that
31 humans, domestic animals, or property will be jeopardized. Such laws
32 and ordinances shall not abridge the right of the individual guaranteed
33 by Article I, section 24 of the state Constitution to bear arms in
34 defense of self or others; and

35 (b) Restricting the possession of firearms in any stadium or
36 convention center, operated by a city, town, county, or other
37 municipality, except that such restrictions shall not apply to:

1 (i) Any firearm in the possession of a person licensed under RCW
2 9.41.070; or
3 (ii) Any showing, demonstration, or lecture involving the
4 exhibition of firearms.
5 (3) The perimeter of the premises of any specific location covered
6 by subsection (1) of this section shall be posted at reasonable
7 intervals to alert the public as to the existence of any law
8 restricting the possession of firearms on the premises.
9 (4) Subsection (1) of this section does not apply to:
10 (a) A person engaged in military activities sponsored by the
11 federal or state governments, while engaged in official duties;
12 (b) Law enforcement personnel; or
13 (c) Security personnel while engaged in official duties.
14 (5) Subsection (1)(a) of this section does not apply to a person
15 licensed pursuant to RCW 9.41.070 who, upon entering the place or
16 facility, directly and promptly proceeds to the administrator of the
17 facility or the administrator's designee and obtains written permission
18 to possess the firearm while on the premises or checks his or her
19 firearm. The person may reclaim the firearms upon leaving but must
20 immediately and directly depart from the place or facility.
21 (6) Subsection (1)(b) of this section does not apply to a judge or
22 court employee or to any person licensed under RCW 9.41.070 who, before
23 entering the restricted area, directly and promptly proceeds to the
24 court administrator or the administrator's designee and obtains written
25 permission to possess the firearm.
26 (7) Subsection (1)(c) of this section does not apply to any
27 administrator or employee of the facility or to any person who, upon
28 entering the place or facility, directly and promptly proceeds to the
29 administrator of the facility or the administrator's designee and
30 obtains written permission to possess the firearm while on the
31 premises.
32 (8) Subsection (1)(d) of this section does not apply to the
33 proprietor of the premises or his or her employees while engaged in
34 their employment.
35 (9) Any person violating subsection (1) of this section is guilty
36 of a misdemeanor.

37 **Sec. 2.** RCW 9.46.0201 and 1987 c 4 s 2 are each amended to read as
38 follows:

1 "Amusement game," as used in this chapter, means a game played for
2 entertainment in which:

3 (1) The contestant actively participates;

4 (2) The outcome depends in a material degree upon the skill of the
5 contestant;

6 (3) Only merchandise prizes are awarded;

7 (4) The outcome is not in the control of the operator;

8 (5) The wagers are placed, the winners are determined, and a
9 distribution of prizes or property is made in the presence of all
10 persons placing wagers at such game; and

11 (6) Said game is conducted or operated by any agricultural fair,
12 person, association, or organization in such manner and at such
13 locations as may be authorized by rules ((and regulations)) adopted by
14 the ((commission)) board pursuant to this chapter ((as now or hereafter
15 amended)).

16 Cake walks as commonly known and fish ponds as commonly known shall
17 be treated as amusement games for all purposes under this chapter.

18 **Sec. 3.** RCW 9.46.0205 and 1987 c 4 s 3 are each amended to read as
19 follows:

20 "Bingo," as used in this chapter, means a game conducted only in
21 the county within which the organization is principally located in
22 which prizes are awarded on the basis of designated numbers or symbols
23 on a card conforming to numbers or symbols selected at random and in
24 which no cards are sold except at the time and place of said game, when
25 said game is conducted by a bona fide charitable or nonprofit
26 organization which does not conduct or allow its premises to be used
27 for conducting bingo on more than three occasions per week and which
28 does not conduct bingo in any location which is used for conducting
29 bingo on more than three occasions per week, or if an agricultural fair
30 authorized under chapters 15.76 and 36.37 RCW, which does not conduct
31 bingo on more than twelve consecutive days in any calendar year, and
32 except in the case of any agricultural fair as authorized under
33 chapters 15.76 and 36.37 RCW, no person other than a bona fide member
34 or an employee of said organization takes any part in the management or
35 operation of said game, and no person who takes any part in the
36 management or operation of said game takes any part in the management
37 or operation of any game conducted by any other organization or any
38 other branch of the same organization, unless approved by the

1 ((~~commission~~)) board, and no part of the proceeds thereof inure to the
2 benefit of any person other than the organization conducting said game.
3 For the purposes of this section, the organization shall be deemed to
4 be principally located in the county within which it has its primary
5 business office. If the organization has no business office, the
6 organization shall be deemed to be located in the county of principal
7 residence of its chief executive officer: PROVIDED, That any
8 organization which is conducting any licensed and established bingo
9 game in any locale as of January 1, 1981, shall be exempt from the
10 requirement that such game be conducted in the county in which the
11 organization is principally located.

12 **Sec. 4.** RCW 9.46.0209 and 1987 c 4 s 4 are each amended to read as
13 follows:

14 "Bona fide charitable or nonprofit organization," as used in this
15 chapter, means: (1) Any organization duly existing under the
16 provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural
17 fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or
18 any nonprofit corporation duly existing under the provisions of chapter
19 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic,
20 patriotic, political, social, fraternal, athletic or agricultural
21 purposes only, or any nonprofit organization, whether incorporated or
22 otherwise, when found by the ((~~commission~~)) board to be organized and
23 operating for one or more of the aforesaid purposes only, all of which
24 in the opinion of the ((~~commission~~)) board have been organized and are
25 operated primarily for purposes other than the operation of gambling
26 activities authorized under this chapter; or (2) any corporation which
27 has been incorporated under Title 36 U.S.C. and whose principal
28 purposes are to furnish volunteer aid to members of the armed forces of
29 the United States and also to carry on a system of national and
30 international relief and to apply the same in mitigating the sufferings
31 caused by pestilence, famine, fire, floods, and other national
32 calamities and to devise and carry on measures for preventing the same.
33 Such an organization must have been organized and continuously
34 operating for at least twelve calendar months immediately preceding
35 making application for any license to operate a gambling activity, or
36 the operation of any gambling activity authorized by this chapter for
37 which no license is required. It must have not less than fifteen bona
38 fide active members each with the right to an equal vote in the

1 election of the officers, or board members, if any, who determine the
2 policies of the organization in order to receive a gambling license.
3 An organization must demonstrate to the ((~~commission~~)) board that it
4 has made significant progress toward the accomplishment of the purposes
5 of the organization during the twelve consecutive month period
6 preceding the date of application for a license or license renewal.
7 The fact that contributions to an organization do not qualify for
8 charitable contribution deduction purposes or that the organization is
9 not otherwise exempt from payment of federal income taxes pursuant to
10 the internal revenue code of 1954, as amended, shall constitute prima
11 facie evidence that the organization is not a bona fide charitable or
12 nonprofit organization for the purposes of this section.

13 Any person, association or organization which pays its employees,
14 including members, compensation other than is reasonable therefor under
15 the local prevailing wage scale shall be deemed paying compensation
16 based in part or whole upon receipts relating to gambling activities
17 authorized under this chapter and shall not be a bona fide charitable
18 or nonprofit organization for the purposes of this chapter.

19 **Sec. 5.** RCW 9.46.0217 and 1987 c 4 s 6 are each amended to read as
20 follows:

21 "Commercial stimulant," as used in this chapter, means an activity
22 is operated as a commercial stimulant, for the purposes of this
23 chapter, only when it is an incidental activity operated in connection
24 with, and incidental to, an established business, with the primary
25 purpose of increasing the volume of sales of food or drink for
26 consumption on that business premises. The ((~~commission~~)) board may by
27 rule establish guidelines and criteria for applying this definition to
28 its applicants and licensees for gambling activities authorized by this
29 chapter as commercial stimulants.

30 **Sec. 6.** RCW 9.46.0221 and 1987 c 4 s 7 are each amended to read as
31 follows:

32 "((~~Commission~~)) Board," as used in this chapter, means the
33 ((~~Washington state~~)) gambling ((~~commission~~)) and liquor control board
34 created in ((~~RCW 9.46.040~~)) chapter 43.-- RCW (sections 1 through 3, 6,
35 13, and 20 of S-0336.2/93).

1 **Sec. 7.** RCW 9.46.0233 and 1987 c 4 s 24 are each amended to read
2 as follows:

3 (1) "Fund raising event," as used in this chapter, means a fund
4 raising event conducted during any seventy-two consecutive hours but
5 exceeding twenty-four consecutive hours and not more than once in any
6 calendar year or a fund raising event conducted not more than twice
7 each calendar year for not more than twenty-four consecutive hours each
8 time by a bona fide charitable or nonprofit organization as defined in
9 RCW 9.46.0209 other than any agricultural fair referred to thereunder,
10 upon authorization therefor by the ((~~commission~~)) board, which the
11 legislature hereby authorizes to issue a license therefor, with or
12 without fee, permitting the following activities, or any of them,
13 during such event: Bingo, amusement games, contests of chance,
14 lotteries and raffles: PROVIDED, That (a) gross wagers and bets
15 received by the organization less the amount of money paid by the
16 organization as winnings and for the purchase cost of prizes given as
17 winnings do not exceed ten thousand dollars during the total calendar
18 days of such fund raising event in the calendar year; (b) such
19 activities shall not include any mechanical gambling or lottery device
20 activated by the insertion of a coin or by the insertion of any object
21 purchased by any person taking a chance by gambling in respect to the
22 device; (c) only bona fide members of the organization who are not paid
23 for such service shall participate in the management or operation of
24 the activities, and all income therefrom, after deducting the cost of
25 prizes and other expenses, shall be devoted solely to the lawful
26 purposes of the organization; and (d) such organization shall notify
27 the appropriate local law enforcement agency of the time and place
28 where such activities shall be conducted. The ((~~commission~~)) board
29 shall require an annual information report setting forth in detail the
30 expenses incurred and the revenue received relative to the activities
31 permitted.

32 (2) Bona fide charitable or nonprofit organizations holding a
33 license to conduct a fund raising event may join together to jointly
34 conduct a fund raising event if:

35 (a) Approval to do so is received from the ((~~commission~~)) board;
36 and

37 (b) The method of dividing the income and expenditures and the
38 method of recording and handling of funds are disclosed to the

1 ((~~commission~~)) board in the application for approval of the joint fund
2 raising event and are approved by the ((~~commission~~)) board.

3 The gross wagers and bets received by the organizations less the
4 amount of money paid by the organizations as winnings and for the
5 purchase costs of prizes given as winnings may not exceed ten thousand
6 dollars during the total calendar days of such event. The net receipts
7 each organization receives shall count against the organization's
8 annual limit stated in this subsection.

9 A joint fund raising event shall count against only the lead
10 organization or organizations receiving fifty percent or more of the
11 net receipts for the purposes of the number of such events an
12 organization may conduct each year.

13 The ((~~commission~~)) board may issue a joint license for a joint fund
14 raising event and charge a license fee for such license according to a
15 schedule of fees adopted by the ((~~commission~~)) board which reflects the
16 added cost to the ((~~commission~~)) board of licensing more than one
17 licensee for the event.

18 **Sec. 8.** RCW 9.46.0261 and 1987 c 4 s 16 are each amended to read
19 as follows:

20 "Member" and "bona fide member," as used in this chapter, mean a
21 person accepted for membership in an organization eligible to be
22 licensed by the ((~~commission~~)) board under this chapter upon
23 application, with such action being recorded in the official minutes of
24 a regular meeting or who has held full and regular membership status in
25 the organization for a period of not less than twelve consecutive
26 months prior to participating in the management or operation of any
27 gambling activity. Such membership must in no way be dependent upon,
28 or in any way related to, the payment of consideration to participate
29 in any gambling activity.

30 Member or bona fide member shall include only members of an
31 organization's specific chapter or unit licensed by the ((~~commission~~))
32 board or otherwise actively conducting the gambling activity:
33 PROVIDED, That:

34 (1) Members of chapters or local units of a state, regional or
35 national organization may be considered members of the parent
36 organization for the purpose of a gambling activity conducted by the
37 parent organization, if the rules of the parent organization so permit;

1 (2) Members of a bona fide auxiliary to a principal organization
2 may be considered members of the principal organization for the purpose
3 of a gambling activity conducted by the principal organization.
4 Members of the principal organization may also be considered members of
5 its auxiliary for the purpose of a gambling activity conducted by the
6 auxiliary; and

7 (3) Members of any chapter or local unit within the jurisdiction of
8 the next higher level of the parent organization, and members of a bona
9 fide auxiliary to that chapter or unit, may assist any other chapter or
10 local unit of that same organization licensed by the ((~~commission~~))
11 board in the conduct of gambling activities.

12 No person shall be a member of any organization if that person's
13 primary purpose for membership is to become, or continue to be, a
14 participant in, or an operator or manager of, any gambling activity or
15 activities.

16 **Sec. 9.** RCW 9.46.0273 and 1987 c 4 s 19 are each amended to read
17 as follows:

18 "Punch boards" and "pull-tabs," as used in this chapter, shall be
19 given their usual and ordinary meaning as of July 16, 1973, except that
20 such definition may be revised by the ((~~commission~~)) board pursuant to
21 rules ((~~and regulations promulgated~~)) adopted pursuant to this chapter.

22 **Sec. 10.** RCW 9.46.0281 and 1987 c 4 s 21 are each amended to read
23 as follows:

24 "Social card game," as used in this chapter, means a card game,
25 including but not limited to the game commonly known as "Mah-Jongg,"
26 which constitutes gambling and contains each of the following
27 characteristics:

28 (1) There are two or more participants and each of them are
29 players. However, no business with a public cardroom on its premises
30 may have more than five separate tables at which card games are played;

31 (2) A player's success at winning money or other thing of value by
32 overcoming chance is in the long run largely determined by the skill of
33 the player;

34 (3) No organization, corporation or person collects or obtains or
35 charges any percentage of or collects or obtains any portion of the
36 money or thing of value wagered or won by any of the players:

1 PROVIDED, That this subsection shall not preclude a player from
2 collecting or obtaining his or her winnings;

3 (4) No organization or corporation, or person collects or obtains
4 any money or thing of value from, or charges or imposes any fee upon,
5 any person which either enables him or her to play or results in or
6 from his or her playing in excess of two dollars per half hour of
7 playing time by that person collected in advance: PROVIDED, That a fee
8 may also be charged for entry into a tournament for prizes, which fee
9 shall not exceed fifty dollars, including all separate fees which might
10 be paid by a player for various phases or events of the tournament:
11 PROVIDED FURTHER, That this subsection shall not apply to the
12 membership fee in any bona fide charitable or nonprofit organization;

13 (5) The type of card game is one specifically approved by the
14 (~~commission~~) board pursuant to RCW 9.46.070; and

15 (6) The extent of wagers, money or other thing of value which may
16 be wagered or contributed by any player does not exceed the amount or
17 value specified by the (~~commission~~) board pursuant to RCW 9.46.070.

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

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

29 **Sec. 12.** RCW 9.46.0315 and 1991 c 192 s 4 are each amended to read
30 as follows:

31 Bona fide charitable or bona fide nonprofit organizations organized
32 primarily for purposes other than the conduct of raffles, are hereby
33 authorized to conduct raffles without obtaining a license to do so from
34 the (~~commission~~) board when such raffles are held in accordance with
35 all other requirements of this chapter, other applicable laws, and
36 rules of the (~~commission~~) board; when gross revenues from all such
37 raffles held by the organization during the calendar year do not exceed

1 five thousand dollars; and when tickets to such raffles are sold only
2 to, and winners are determined only from among, the regular members of
3 the organization conducting the raffle. The organization may provide
4 unopened containers of beverages containing alcohol as raffle prizes if
5 the appropriate permit has been obtained from the ((~~liquor control~~))
6 board: PROVIDED, That the term members for this purpose shall mean
7 only those persons who have become members prior to the commencement of
8 the raffle and whose qualification for membership was not dependent
9 upon, or in any way related to, the purchase of a ticket, or tickets,
10 for such raffles.

11 **Sec. 13.** RCW 9.46.0321 and 1987 c 4 s 28 are each amended to read
12 as follows:

13 Bona fide charitable or bona fide nonprofit organizations organized
14 primarily for purposes other than the conduct of such activities are
15 hereby authorized to conduct bingo, raffles, and amusement games,
16 without obtaining a license to do so from the ((~~commission~~)) board but
17 only when:

18 (1) Such activities are held in accordance with all other
19 requirements of this chapter, other applicable laws, and rules of the
20 ((~~commission~~)) board;

21 (2) Said activities are, alone or in any combination, conducted no
22 more than twice each calendar year and over a period of no more than
23 twelve consecutive days each time, notwithstanding the limitations of
24 RCW 9.46.0205: PROVIDED, That a raffle conducted under this subsection
25 may be conducted for a period longer than twelve days;

26 (3) Only bona fide members of that organization, who are not paid
27 for such services, participate in the management or operation of the
28 activities;

29 (4) Gross revenues to the organization from all the activities
30 together do not exceed five thousand dollars during any calendar year;

31 (5) All revenue therefrom, after deducting the cost of prizes and
32 other expenses of the activity, is devoted solely to the purposes for
33 which the organization qualifies as a bona fide charitable or nonprofit
34 organization;

35 (6) The organization gives notice at least five days in advance of
36 the conduct of any of the activities to the local police agency of the
37 jurisdiction within which the activities are to be conducted of the

1 organization's intent to conduct the activities, the location of the
2 activities, and the date or dates they will be conducted; and

3 (7) The organization conducting the activities maintains records
4 for a period of one year from the date of the event which accurately
5 show at a minimum the gross revenue from each activity, details of the
6 expenses of conducting the activities, and details of the uses to which
7 the gross revenue therefrom is put.

8 **Sec. 14.** RCW 9.46.0331 and 1991 c 287 s 1 are each amended to read
9 as follows:

10 The legislature hereby authorizes any person to conduct or operate
11 amusement games when licensed and operated pursuant to the provisions
12 of this chapter and rules ~~((and—regulations))~~ adopted by the
13 ~~((commission))~~ board at such locations as the ~~((commission))~~ board may
14 authorize. The rules shall provide for at least the following:

15 (1) Persons other than bona fide charitable or bona fide nonprofit
16 organizations shall conduct amusement games only after obtaining a
17 special amusement game license from the ~~((commission))~~ board.

18 (2) Amusement games may be conducted under such a license only as
19 a part of, and upon the site of:

20 (a) Any agricultural fair as authorized under chapter 15.76 or
21 36.37 RCW; or

22 (b) A civic center of a county, city, or town; or

23 (c) A world's fair or similar exposition that is approved by the
24 bureau of international expositions at Paris, France; or

25 (d) A community-wide civic festival held not more than once
26 annually and sponsored or approved by the city, town, or county in
27 which it is held; or

28 (e) A commercial exposition organized and sponsored by an
29 organization or association representing the retail sales and service
30 operators conducting business in a shopping center or other commercial
31 area developed and operated for retail sales and service, but only upon
32 a parking lot or similar area located in said shopping center or
33 commercial area for a period of no more than seventeen consecutive days
34 by any licensee during any calendar year; or

35 (f) An amusement park. An amusement park is a group of activities,
36 at a permanent location, to which people go to be entertained through
37 a combination of various mechanical or aquatic rides, theatrical
38 productions, motion picture, and/or slide show presentations with food

1 and drink service. The amusement park must include at least five
2 different mechanical((7)) or aquatic rides, three additional
3 activities, and the gross receipts must be primarily from these
4 amusement activities; or

5 (g) Within a regional shopping center. A regional shopping center
6 is a shopping center developed and operated for retail sales and
7 service by retail sales and service operators and consisting of more
8 than six hundred thousand gross square feet not including parking
9 areas. Amusement games conducted as a part of, and upon the site of,
10 a regional shopping center shall not be subject to the prohibition on
11 revenue sharing set forth in RCW 9.46.120(2); or

12 (h) A location that possesses a valid license from the ((Washington
13 state liquor [control])) board and prohibits minors on their premises;
14 or

15 (i) Movie theaters, bowling alleys, miniature golf course
16 facilities, and amusement centers. For the purposes of this section an
17 amusement center shall be defined as a permanent location whose primary
18 source of income is from the operation of ten or more amusement
19 devices; or

20 (j) Any business whose primary activity is to provide food service
21 for on premises consumption and who offers family entertainment which
22 includes at least three of the following activities: Amusement
23 devices; theatrical productions; mechanical rides; motion pictures; and
24 slide show presentations.

25 (3) No amusement games may be conducted in any location except in
26 conformance with local zoning, fire, health, and similar regulations.
27 In no event may the licensee conduct any amusement games at any of the
28 locations set out in subsection (2) of this section without first
29 having obtained the written permission to do so from the person or
30 organization owning the premises or an authorized agent thereof, and
31 from the persons sponsoring the fair, exhibition, commercial
32 exhibition, or festival, or from the city or town operating the civic
33 center, in connection with which the games are to be operated.

34 (4) In no event may a licensee conduct any amusement games at the
35 location described in subsection (2)(g) of this section, without, at
36 the location of such games, providing adult supervision during all
37 hours the licensee is open for business at such location, prohibiting
38 school-age minors from entry during school hours, maintaining full-time
39 personnel whose responsibilities include maintaining security and daily

1 machine maintenance, and providing for hours for the close of business
2 at such location that are no later than 10:00 p.m. on Fridays and
3 Saturdays and on all other days that are the same as those of the
4 regional shopping center in which the licensee is located.

5 (5) In no event may a licensee conduct any amusement game at a
6 location described in subsection (2)(i) or (j) of this section,
7 without, at the location of such games, providing adult supervision
8 during all hours the licensee is open for business at such location,
9 prohibiting school-age minors from playing licensed amusement games
10 during school hours, maintaining full-time personnel whose
11 responsibilities include maintaining security and daily machine
12 maintenance, and prohibiting minors from playing the amusement games
13 after 10:00 p.m. on any day.

14 **Sec. 15.** RCW 9.46.0335 and 1987 c 4 s 31 are each amended to read
15 as follows:

16 The legislature hereby authorizes any person, association, or
17 organization to conduct sports pools without a license to do so from
18 the (~~commission~~) board but only when the outcome of which is
19 dependent upon the score, or scores, of a certain athletic contest and
20 which is conducted only in the following manner:

21 (1) A board or piece of paper is divided into one hundred equal
22 squares, each of which constitutes a chance to win in the sports pool
23 and each of which is offered directly to prospective contestants at one
24 dollar or less;

25 (2) The purchaser of each chance or square signs his or her name on
26 the face of each square or chance he or she purchases; and

27 (3) At some time not later than prior to the start of the subject
28 athletic contest the pool is closed and no further chances in the pool
29 are sold;

30 (4) After the pool is closed a prospective score is assigned by
31 random drawing to each square;

32 (5) All money paid by entrants to enter the pool less taxes is paid
33 out as the prize or prizes to those persons holding squares assigned
34 the winning score or scores from the subject athletic contest;

35 (6) The sports pool board is available for inspection by any person
36 purchasing a chance thereon, the commission, or by any law enforcement
37 agency upon demand at all times prior to the payment of the prize;

1 (7) The person or organization conducting the pool is conducting no
2 other sports pool on the same athletic event; and

3 (8) The sports pool conforms to any rules ((and regulations)) of
4 the ((commission)) board applicable thereto.

5 **Sec. 16.** RCW 9.46.0341 and 1987 c 4 s 32 are each amended to read
6 as follows:

7 The legislature hereby authorizes bona fide charitable or nonprofit
8 organizations to conduct, without the necessity of obtaining a permit
9 or license to do so from the ((commission)) board, golfing sweepstakes
10 permitting wagers of money, and the same shall not constitute such
11 gambling or lottery as otherwise prohibited in this chapter, or be
12 subject to civil or criminal penalties thereunder, but this only when
13 the outcome of such golfing sweepstakes is dependent upon the score, or
14 scores, or the playing ability, or abilities, of a golfing contest
15 between individual players or teams of such players, conducted in the
16 following manner:

17 (1) Wagers are placed by buying tickets on any players in a golfing
18 contest to "win," "place," or "show" and those holding tickets on the
19 three winners may receive a payoff similar to the system of betting
20 identified as parimutuel, such moneys placed as wagers to be used
21 primarily as winners' proceeds, except moneys used to defray the
22 expenses of such golfing sweepstakes or otherwise used to carry out the
23 purposes of such organization; or

24 (2) Participants in any golfing contest(s) pay a like sum of money
25 into a common fund on the basis of attaining a stated number of points
26 ascertainable from the score of such participants, and those
27 participants attaining such stated number of points share equally in
28 the moneys in the common fund, without any percentage of such moneys
29 going to the sponsoring organization; and

30 (3) Participation is limited to members of the sponsoring
31 organization and their bona fide guests.

32 **Sec. 17.** RCW 9.46.0345 and 1987 c 4 s 33 are each amended to read
33 as follows:

34 The legislature hereby authorizes bowling establishments to
35 conduct, without the necessity of obtaining a permit or license to do
36 so, as a commercial stimulant, a bowling activity which permits bowlers
37 to purchase tickets from the establishment for a predetermined and

1 posted amount of money, which tickets are then selected by the luck of
2 the draw and the holder of the matching ticket so drawn has an
3 opportunity to bowl a strike and if successful receives a predetermined
4 and posted monetary prize: PROVIDED, That all sums collected by the
5 establishment from the sale of tickets shall be returned to purchasers
6 of tickets and no part of the proceeds shall inure to any person other
7 than the participants winning in the game or a recognized charity. The
8 tickets shall be sold, and accounted for, separately from all other
9 sales of the establishment. The price of any single ticket shall not
10 exceed one dollar. Accounting records shall be available for
11 inspection during business hours by any person purchasing a chance
12 thereon, by the (~~commission~~) board or its representatives, or by any
13 law enforcement agency.

14 **Sec. 18.** RCW 9.46.0351 and 1987 c 4 s 34 are each amended to read
15 as follows:

16 (1) The legislature hereby authorizes any bona fide charitable or
17 nonprofit organization which is licensed pursuant to RCW 66.24.400, and
18 its officers and employees, to allow the use of the premises,
19 furnishings, and other facilities not gambling devices of such
20 organization by members of the organization, and members of a chapter
21 or unit organized under the same state, regional, or national charter
22 or constitution, who engage as players in the following types of
23 gambling activities only:

24 (a) Social card games as defined in RCW 9.46.0281 (1) through (4);
25 and

26 (b) Social dice games, which shall be limited to contests of
27 chance, the outcome of which are determined by one or more rolls of
28 dice.

29 (2) Bona fide charitable or nonprofit organizations shall not be
30 required to be licensed by the (~~commission~~) board in order to allow
31 use of their premises in accordance with this section. However, the
32 following conditions must be met:

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

37 (b) No organization, corporation, or person shall collect or obtain
38 any money or thing of value from, or charge or impose any fee upon, any

1 person which either enables him or her to play or results in or from
2 his or her playing: PROVIDED, That this subsection shall not preclude
3 collection of a membership fee which is unrelated to participation in
4 gambling activities authorized under this section.

5 **Sec. 19.** RCW 9.46.0361 and 1987 c 4 s 36 are each amended to read
6 as follows:

7 The legislature hereby authorizes bona fide charitable or nonprofit
8 organizations to conduct, without the necessity of obtaining a permit
9 or license to do so from the (~~commission~~) board, turkey shoots
10 permitting wagers of money. Such contests shall not constitute such
11 gambling or lottery as otherwise prohibited in this chapter, or be
12 subject to civil or criminal penalties. Such organizations must be
13 organized for purposes other than the conduct of turkey shoots.

14 Such turkey shoots shall be held in accordance with all other
15 requirements of this chapter, other applicable laws, and rules that may
16 be adopted by the (~~commission~~) board. Gross revenues from all such
17 turkey shoots held by the organization during the calendar year shall
18 not exceed five thousand dollars. Turkey shoots conducted under this
19 section shall meet the following requirements:

20 (1) The target shall be divided into one hundred or fewer equal
21 sections, with each section constituting a chance to win. Each chance
22 shall be offered directly to a prospective contestant for one dollar or
23 less;

24 (2) The purchaser of each chance shall sign his or her name on the
25 face of the section he or she purchases;

26 (3) The person shooting at the target shall not be a participant in
27 the contest, but shall be a member of the organization conducting the
28 contest;

29 (4) Participation in the contest shall be limited to members of the
30 organization which is conducting the contest and their guests;

31 (5) The target shall contain the following information:

32 (a) Distance from the shooting position to the target;

33 (b) The gauge of the shotgun;

34 (c) The type of choke on the barrel;

35 (d) The size of shot that will be used; and

36 (e) The prize or prizes that are to be awarded in the contest;

37 (6) The targets, shotgun, and ammunition shall be available for
38 inspection by any person purchasing a chance thereon, the

1 ((~~commission~~)) board, or by any law enforcement agency upon demand, at
2 all times before the prizes are awarded;

3 (7) The turkey shoot shall award the prizes based upon the greatest
4 number of shots striking a section;

5 (8) No turkey shoot may offer as a prize the right to advance or
6 continue on to another turkey shoot or turkey shoot target; and

7 (9) Only bona fide members of the organization who are not paid for
8 such service may participate in the management or operation of the
9 turkey shoot, and all income therefrom, after deducting the cost of
10 prizes and other expenses, shall be devoted solely to the lawful
11 purposes of the organization.

12 **Sec. 20.** RCW 9.46.060 and 1973 1st ex.s. c 218 s 6 are each
13 amended to read as follows:

14 (1) The attorney general shall be general counsel for the ((~~state~~
15 ~~gambling commission~~)) board and shall assign such assistants as may be
16 necessary in carrying out the purposes and provisions of this chapter,
17 which shall include instituting and prosecuting any actions and
18 proceedings necessary thereto.

19 (2) The state auditor shall audit the books, records, and affairs
20 of the ((~~commission~~)) board annually. The ((~~commission~~)) board shall
21 pay to the state treasurer for the credit of the state auditor such
22 funds as may be necessary to defray the costs of such audits. The
23 ((~~commission~~)) board may provide for additional audits by certified
24 public accountants. All such audits shall be public records of the
25 state.

26 The payment for legal services and audits as authorized in this
27 section shall be paid upon authorization of the ((~~commission~~)) board
28 from moneys in the gambling revolving fund.

29 **Sec. 21.** RCW 9.46.070 and 1987 c 4 s 38 are each amended to read
30 as follows:

31 The ((~~commission~~)) board shall have the following powers and
32 duties:

33 (1) To authorize and issue licenses for a period not to exceed one
34 year to bona fide charitable or nonprofit organizations approved by the
35 ((~~commission~~)) board meeting the requirements of this chapter and any
36 rules ((~~and regulations~~)) adopted pursuant thereto permitting said
37 organizations to conduct bingo games, raffles, amusement games, and

1 social card games, to utilize punch boards and pull-tabs in accordance
2 with the provisions of this chapter and any rules ~~((and regulations))~~
3 adopted pursuant thereto and to revoke or suspend said licenses for
4 violation of any provisions of this chapter or any rules ~~((and~~
5 ~~regulations))~~ adopted pursuant thereto: PROVIDED, That the
6 ~~((commission))~~ board shall not deny a license to an otherwise qualified
7 applicant in an effort to limit the number of licenses to be issued:
8 PROVIDED FURTHER, That the ~~((commission or director))~~ board or chair
9 shall not issue, deny, suspend or revoke any license because of
10 considerations of race, sex, creed, color, or national origin: AND
11 PROVIDED FURTHER, That the ~~((commission))~~ board may authorize the
12 ~~((director))~~ chair to temporarily issue or suspend licenses subject to
13 final action by the ~~((commission))~~ board;

14 (2) To authorize and issue licenses for a period not to exceed one
15 year to any person, association, or organization operating a business
16 primarily engaged in the selling of items of food or drink for
17 consumption on the premises, approved by the ~~((commission))~~ board
18 meeting the requirements of this chapter and any rules ~~((and~~
19 ~~regulations))~~ adopted pursuant thereto permitting said person,
20 association, or organization to utilize punch boards and pull-tabs and
21 to conduct social card games as a commercial stimulant in accordance
22 with the provisions of this chapter and any rules ~~((and regulations))~~
23 adopted pursuant thereto and to revoke or suspend said licenses for
24 violation of any provisions of this chapter and any rules ~~((and~~
25 ~~regulations))~~ adopted pursuant thereto: PROVIDED, That the
26 ~~((commission))~~ board shall not deny a license to an otherwise qualified
27 applicant in an effort to limit the number of licenses to be issued:
28 PROVIDED FURTHER, That the ~~((commission))~~ board may authorize the
29 ~~((director))~~ chair to temporarily issue or suspend licenses subject to
30 final action by the ~~((commission))~~ board;

31 (3) To authorize and issue licenses for a period not to exceed one
32 year to any person, association, or organization approved by the
33 ~~((commission))~~ board meeting the requirements of this chapter and
34 meeting the requirements of any rules ~~((and regulations))~~ adopted by
35 the ~~((commission))~~ board pursuant to this chapter ~~((as now or hereafter~~
36 ~~amended))~~, permitting said person, association, or organization to
37 conduct or operate amusement games in such manner and at such locations
38 as the ~~((commission))~~ board may determine;

1 (4) To authorize, require, and issue, for a period not to exceed
2 one year, such licenses as the ((~~commission~~)) board may by rule
3 provide, to any person, association, or organization to engage in the
4 selling, distributing, or otherwise supplying or in the manufacturing
5 of devices for use within this state for those activities authorized by
6 this chapter;

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

38 (6) To prescribe the manner and method of payment of taxes, fees
39 and penalties to be paid to or collected by the ((~~commission~~)) board;

1 (7) To require that applications for all licenses contain such
2 information as may be required by the (~~commission~~) board: PROVIDED,
3 That all persons (a) having a managerial or ownership interest in any
4 gambling activity, or the building in which any gambling activity
5 occurs, or the equipment to be used for any gambling activity, or (b)
6 participating as an employee in the operation of any gambling activity,
7 shall be listed on the application for the license and the applicant
8 shall certify on the application, under oath, that the persons named on
9 the application are all of the persons known to have an interest in any
10 gambling activity, building, or equipment by the person making such
11 application: PROVIDED FURTHER, That the (~~commission~~) board may
12 require fingerprinting and background checks on any persons seeking
13 licenses under this chapter or of any person holding an interest in any
14 gambling activity, building, or equipment to be used therefor, or of
15 any person participating as an employee in the operation of any
16 gambling activity;

17 (8) To require that any license holder maintain records as directed
18 by the (~~commission~~) board and submit such reports as the
19 (~~commission~~) board may deem necessary;

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

27 (10) To regulate and establish maximum limitations on income
28 derived from bingo: PROVIDED, That in establishing limitations
29 pursuant to this subsection the (~~commission~~) board shall take into
30 account (~~(i)~~) (a) the nature, character, and scope of the activities
31 of the licensee; (~~(ii)~~) (b) the source of all other income of the
32 licensee; and (~~(iii)~~) (c) the percentage or extent to which income
33 derived from bingo is used for charitable, as distinguished from
34 nonprofit, purposes;

35 (11) To regulate and establish the type and scope of and manner of
36 conducting the gambling activities authorized by this chapter,
37 including but not limited to, the extent of wager, money, or other
38 thing of value which may be wagered or contributed or won by a player
39 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 licensed
3 to conduct a social card game on a person desiring to become a player
4 in a social card game in accordance with RCW 9.46.0281(4);

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
11 adopted pursuant to the administrative procedure act, chapter 34.05
12 RCW;

13 (15) To set forth for the perusal of counties, city-counties,
14 cities and towns, model ordinances by which any legislative authority
15 thereof may enter into the taxing of any gambling activity authorized
16 by this chapter;

17 (16) To establish and regulate a maximum limit on salaries or wages
18 which may be paid to persons employed in connection with activities
19 conducted by bona fide charitable or nonprofit organizations and
20 authorized by this chapter, where payment of such persons is allowed,
21 and to regulate and establish maximum limits for other expenses in
22 connection with such authorized activities, including but not limited
23 to rent or lease payments.

24 In establishing these maximum limits the (~~commission~~) board shall
25 take into account the amount of income received, or expected to be
26 received, from the class of activities to which the limits will apply
27 and the amount of money the games could generate for authorized
28 charitable or nonprofit purposes absent such expenses. The
29 (~~commission~~) board may also take into account, in its discretion,
30 other factors, including but not limited to, the local prevailing wage
31 scale and whether charitable 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~~) board
34 may by rule provide, to any person to work for any operator of any
35 gambling activity authorized by this chapter in connection with that
36 activity, or any manufacturer, supplier, or distributor of devices for
37 those activities in connection with such business. The (~~commission~~)
38 board shall not require that persons working solely as volunteers in an
39 authorized activity conducted by a bona fide charitable or bona fide

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

11 (18) To publish and make available at the office of the
12 ((~~commission~~)) board or elsewhere to anyone requesting it a list of the
13 ((~~commission~~)) board licensees, including the name, address, type of
14 license, and license 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 **Sec. 22.** RCW 9.46.075 and 1981 c 139 s 4 are each amended to read
21 as follows:

22 The ((~~commission~~)) board may deny an application, or suspend or
23 revoke any license or permit issued by it, for any reason or reasons,
24 it deems to be in the public interest. These reasons shall include,
25 but not be limited to, cases wherein the applicant or licensee, or any
26 person with any interest therein:

27 (1) Has violated, failed or refused to comply with the provisions,
28 requirements, conditions, limitations or duties imposed by chapter 9.46
29 RCW ((~~and any amendments thereto~~)), or any rules adopted by the
30 ((~~commission~~)) board pursuant thereto, or when a violation of any
31 provision of chapter 9.46 RCW, or any ((~~commission~~)) board rule, has
32 occurred upon any premises occupied or operated by any such person or
33 over which he or she has substantial control;

34 (2) Knowingly causes, aids, abets, or conspires with another to
35 cause, any person to violate any of the laws of this state or the rules
36 of the ((~~commission~~)) board;

37 (3) Has obtained a license or permit by fraud, misrepresentation,
38 concealment, or through inadvertence or mistake;

1 (4) Has been convicted of, or forfeited bond upon a charge of, or
2 pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud,
3 willful failure to make required payments or reports to a governmental
4 agency at any level, or filing false reports therewith, or of any
5 similar offense or offenses, or of bribing or otherwise unlawfully
6 influencing a public official or employee of any state or the United
7 States, or of any crime, whether a felony or misdemeanor involving any
8 gambling activity or physical harm to individuals or involving moral
9 turpitude;

10 (5) Denies the ((~~commission~~)) board or its authorized
11 representatives, including authorized local law enforcement agencies,
12 access to any place where a licensed activity is conducted or who fails
13 promptly to produce for inspection or audit any book, record, document
14 or item required by law or ((~~commission~~)) board rule;

15 (6) Shall fail to display its license on the premises where the
16 licensed activity is conducted at all times during the operation of the
17 licensed activity;

18 (7) Makes a misrepresentation of, or fails to disclose, a material
19 fact to the ((~~commission~~)) board;

20 (8) Fails to prove, by clear and convincing evidence, that he, she
21 or it is qualified in accordance with the provisions of this chapter;

22 (9) Is subject to current prosecution or pending charges, or a
23 conviction which is under appeal, for any of the offenses included
24 under subsection (4) of this section: PROVIDED, That at the request of
25 an applicant for an original license, the ((~~commission~~)) board may
26 defer decision upon the application during the pendency of such
27 prosecution or appeal;

28 (10) Has pursued or is pursuing economic gain in an occupational
29 manner or context which is in violation of the criminal or civil public
30 policy of this state if such pursuit creates probable cause to believe
31 that the participation of such person in gambling or related activities
32 would be inimical to the proper operation of an authorized gambling or
33 related activity in this state. For the purposes of this section,
34 occupational manner or context shall be defined as the systematic
35 planning, administration, management or execution of an activity for
36 financial gain;

37 (11) Is a career offender or a member of a career offender cartel
38 or an associate of a career offender or career offender cartel in such
39 a manner which creates probable cause to believe that the association

1 is of such a nature as to be inimical to the policy of this chapter or
2 to the proper operation of the authorized gambling or related
3 activities in this state. For the purposes of this section, career
4 offender shall be defined as any person whose behavior is pursued in an
5 occupational manner or context for the purpose of economic gain
6 utilizing such methods as are deemed criminal violations of the public
7 policy of this state. A career offender cartel shall be defined as any
8 group of persons who operate together as career offenders.

9 For the purpose of reviewing any application for a license and for
10 considering the denial, suspension or revocation of any license the
11 ~~((gambling commission))~~ board may consider any prior criminal conduct
12 of the applicant or licensee and the provisions of RCW 9.95.240 and of
13 chapter 9.96A RCW shall not apply to such cases.

14 **Sec. 23.** RCW 9.46.077 and 1981 c 139 s 5 are each amended to read
15 as follows:

16 The ~~((commission))~~ board, when suspending any license for a period
17 of thirty days or less, may further provide in the order of suspension
18 that such suspension shall be vacated upon payment to the
19 ~~((commission))~~ board of a monetary penalty in an amount then fixed by
20 the ~~((commission))~~ board.

21 **Sec. 24.** RCW 9.46.080 and 1981 c 139 s 6 are each amended to read
22 as follows:

23 The ~~((commission))~~ board shall employ a full time ~~((director))~~
24 chair, who shall be the administrator for the commission in carrying
25 out its powers and duties and who shall issue rules ~~((and regulations))~~
26 adopted by the ~~((commission))~~ board governing the activities authorized
27 hereunder and shall supervise ~~((commission))~~ board employees in
28 carrying out the purposes and provisions of this chapter. In addition,
29 the ~~((director))~~ chair shall employ a ~~((deputy director))~~ vice-chair,
30 two assistant ~~((directors))~~ chairs, together with such investigators
31 and enforcement officers and such staff as the ~~((commission))~~ board
32 determines is necessary to carry out the purposes and provisions of
33 this chapter. The ~~((director, the deputy director, both assistant~~
34 directors)) chair, vice-chair, both assistant chairs, and personnel
35 occupying positions requiring the performing of undercover
36 investigative work shall be exempt from the provisions of chapter 41.06
37 RCW(~~(, as now law or hereafter amended)~~). Neither the ~~((director))~~

1 chair nor any ((~~commission~~)) board employee working therefor shall be
2 an officer or manager of any bona fide charitable or bona fide
3 nonprofit organization, or of any organization which conducts gambling
4 activity in this state.

5 The ((~~director~~)) chair, subject to the approval of the
6 ((~~commission~~)) board, is authorized to enter into agreements on behalf
7 of the ((~~commission~~)) board for mutual assistance and services, based
8 upon actual costs, with any state or federal agency or with any city,
9 town, or county, and such state or local agency is authorized to enter
10 into such an agreement with the ((~~commission~~)) board. If a needed
11 service is not available from another agency of state government within
12 a reasonable time, the ((~~director~~)) chair may obtain that service from
13 private industry.

14 **Sec. 25.** RCW 9.46.085 and 1986 c 4 s 1 are each amended to read as
15 follows:

16 A member or employee of the ((~~gambling commission~~)) board shall
17 not:

18 (1) Serve as an officer or manager of any corporation or
19 organization which conducts a lottery or gambling activity;

20 (2) Receive or share in, directly or indirectly, the gross profits
21 of any gambling activity regulated by the ((~~commission~~)) board;

22 (3) Be beneficially interested in any contract for the manufacture
23 or sale of gambling devices, the conduct of ((~~the~~)) a gambling
24 activity, or the provision of independent consultant services in
25 connection with a gambling activity.

26 **Sec. 26.** RCW 9.46.090 and 1987 c 505 s 3 are each amended to read
27 as follows:

28 Subject to RCW 40.07.040, the ((~~commission~~)) board shall, from time
29 to time, make reports to the governor and the legislature covering such
30 matters in connection with this chapter as the governor and the
31 legislature may require. These reports shall be public documents and
32 contain such general information and remarks as the ((~~commission~~))
33 board deems pertinent thereto and any information requested by either
34 the governor or members of the legislature: PROVIDED, That the
35 ((~~commission appointed pursuant to RCW 9.46.040~~)) board may conduct a
36 thorough study of the types of gambling activity permitted and the
37 types of gambling activity prohibited by this chapter and may make

1 recommendations to the legislature as to: (1) Gambling activity that
2 ought to be permitted; (2) gambling activity that ought to be
3 prohibited; (3) the types of licenses and permits that ought to be
4 required; (4) the type and amount of tax that ought to be applied to
5 each type of permitted gambling activity; (5) any changes which may be
6 made to the law of this state which further the purposes and policies
7 set forth in RCW 9.46.010 ((as now law or hereafter amended)); and (6)
8 any other matter that the ((commission)) board may deem appropriate.
9 Members of the ((commission)) board and its staff may contact the
10 legislature, or any of its members, at any time, to advise it of
11 recommendations of the ((commission)) board.

12 **Sec. 27.** RCW 9.46.095 and 1989 c 175 s 41 are each amended to read
13 as follows:

14 No court of the state of Washington other than the superior court
15 of Thurston county shall have jurisdiction over any action or
16 proceeding against the ((commission)) board or any member thereof for
17 anything done or omitted to be done in or arising out of the
18 performance of his or her duties under this title: PROVIDED, That an
19 appeal from an adjudicative proceeding involving a final decision of
20 the ((commission)) board to deny, suspend, or revoke a license shall be
21 governed by chapter 34.05 RCW, the Administrative Procedure Act.

22 Neither the ((commission)) board nor any member or members thereof
23 shall be personally liable in any action at law for damages sustained
24 by any person because of any acts performed or done, or omitted to be
25 done, by the ((commission)) board or any member of the ((commission))
26 board, or any employee of the ((commission)) board, in the performance
27 of his or her duties and in the administration of this title.

28 **Sec. 28.** RCW 9.46.100 and 1991 sp.s. c 16 s 917 are each amended
29 to read as follows:

30 There is hereby created the gambling revolving fund which shall
31 consist of all moneys receivable for licensing, penalties, forfeitures,
32 and all other moneys, income, or revenue received by the ((commission))
33 board. The state treasurer shall be custodian of the fund. All moneys
34 received by the ((commission)) board or any employee thereof, except
35 for change funds and an amount of petty cash as fixed by rule ((or
36 regulation)) of the ((commission)) board, shall be deposited each day
37 in a depository approved by the state treasurer and transferred to the

1 state treasurer to be credited to the gambling revolving fund.
2 Disbursements from the revolving fund shall be on authorization of the
3 ((~~commission~~)) board or a duly authorized representative thereof. In
4 order to maintain an effective expenditure and revenue control the
5 gambling revolving fund shall be subject in all respects to chapter
6 43.88 RCW but no appropriation shall be required to permit expenditures
7 and payment of obligations from such fund. All expenses relative to
8 ((~~commission~~)) board business, including but not limited to salaries
9 and expenses of the ((~~director~~)) chair and other ((~~commission~~)) board
10 employees shall be paid from the gambling revolving fund.

11 The state treasurer shall transfer to the general fund one million
12 dollars from the gambling revolving fund for the 1991-93 fiscal
13 biennium.

14 **Sec. 29.** RCW 9.46.110 and 1991 c 161 s 1 are each amended to read
15 as follows:

16 The legislative authority of any county, city-county, city, or
17 town, by local law and ordinance, and in accordance with the provisions
18 of this chapter and rules ((~~and regulations promulgated~~)) adopted
19 hereunder, may provide for the taxing of any gambling activity
20 authorized by this chapter within its jurisdiction, the tax receipts to
21 go to the county, city-county, city, or town so taxing the same:
22 PROVIDED, That any such tax imposed by a county alone shall not apply
23 to any gambling activity within a city or town located therein but the
24 tax rate established by a county, if any, shall constitute the tax rate
25 throughout the unincorporated areas of such county: PROVIDED FURTHER,
26 That (1) punch boards and pull-tabs, chances on which shall only be
27 sold to adults, which shall have a fifty cent limit on a single chance
28 thereon, shall be taxed on a basis which shall reflect only the gross
29 receipts from such punch boards and pull-tabs; and (2) no punch board
30 or pull-tab may award as a prize upon a winning number or symbol being
31 drawn the opportunity of taking a chance upon any other punch board or
32 pull-tab; and (3) all prizes for punch boards and pull-tabs must be on
33 display within the immediate area of the premises wherein any such
34 punch board or pull-tab is located and upon a winning number or symbol
35 being drawn, such prize must be immediately removed therefrom, or such
36 omission shall be deemed a fraud for the purposes of this chapter; and
37 (4) when any person shall win over twenty dollars in money or
38 merchandise from any punch board or pull-tab, every licensee hereunder

1 shall keep a public record thereof for at least ninety days thereafter
2 containing such information as the ((~~commission~~)) board shall deem
3 necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles
4 shall never be in an amount greater than ten percent of the gross
5 revenue received therefrom less the amount paid for or as prizes.
6 Taxation of amusement games shall only be in an amount sufficient to
7 pay the actual costs of enforcement of the provisions of this chapter
8 by the county, city or town law enforcement agency and in no event
9 shall such taxation exceed two percent of the gross revenue therefrom
10 less the amount paid for as prizes: PROVIDED FURTHER, That no tax
11 shall be imposed under the authority of this chapter on bingo or
12 amusement games when such activities or any combination thereof are
13 conducted by any bona fide charitable or nonprofit organization as
14 defined in this chapter, which organization has no paid operating or
15 management personnel and has gross income from bingo or amusement
16 games, or a combination thereof, not exceeding five thousand dollars
17 per year, less the amount paid for as prizes. No tax shall be imposed
18 on the first ten thousand dollars of net proceeds from raffles
19 conducted by any bona fide charitable or nonprofit organization as
20 defined in this chapter. Taxation of punch boards and pull-tabs shall
21 not exceed five percent of gross receipts, nor shall taxation of social
22 card games exceed twenty percent of the gross revenue from such games.

23 **Sec. 30.** RCW 9.46.116 and 1985 c 7 s 2 are each amended to read as
24 follows:

25 The ((~~commission~~)) board shall charge fees or increased fees on
26 pull_tabs sold over-the-counter and on sales from punch boards and
27 pull_tab devices at levels necessary to assure that the increased
28 revenues are equal or greater to the amount of revenue lost by removing
29 the special tax on coin-operated gambling devices by the 1984 repeal of
30 RCW 9.46.115.

31 **Sec. 31.** RCW 9.46.120 and 1987 c 4 s 40 are each amended to read
32 as follows:

33 (1) Except in the case of an agricultural fair as authorized under
34 chapters 15.76 and 36.37 RCW, no person other than a member of a bona
35 fide charitable or nonprofit organization (and their employees) or any
36 other person, association or organization (and their employees)
37 approved by the ((~~commission~~)) board, shall take any part in the

1 management or operation of any gambling activity authorized under this
2 chapter, and no person who takes any part in the management or
3 operation of any such gambling activity shall take any part in the
4 management or operation of any gambling activity conducted by any other
5 organization or any other branch of the same organization, unless
6 approved by the (~~commission~~) board, and no part of the proceeds
7 thereof shall inure to the benefit of any person other than the
8 organization conducting such gambling activities or if such gambling
9 activities be for the charitable benefit of any specific persons
10 designated in the application for a license, then only for such
11 specific persons as so designated.

12 (2) No bona fide charitable or nonprofit organization or any other
13 person, association or organization shall conduct any gambling activity
14 authorized under this chapter in any leased premises if rental for such
15 premises is unreasonable or to be paid, wholly or partly, on the basis
16 of a percentage of the receipts or profits derived from such gambling
17 activity.

18 **Sec. 32.** RCW 9.46.130 and 1981 c 139 s 10 are each amended to read
19 as follows:

20 The premises and paraphernalia, and all the books and records of
21 any person, association or organization conducting gambling activities
22 authorized under this chapter and any person, association or
23 organization receiving profits therefrom or having any interest therein
24 shall be subject to inspection and audit at any reasonable time, with
25 or without notice, upon demand, by the (~~commission~~) board or its
26 designee, the attorney general or (~~his~~) the attorney general's
27 designee, the chief of the Washington state patrol or (~~his~~) the
28 chief's designee or the prosecuting attorney, sheriff or director of
29 public safety or their designees of the county wherein located, or the
30 chief of police or (~~his~~) the chief's designee of any city or town in
31 which said organization is located, for the purpose of determining
32 compliance or noncompliance with the provisions of this chapter and any
33 rules (~~or regulations~~) or local ordinances adopted pursuant thereto.
34 A reasonable time for the purpose of this section shall be: (1) If the
35 items or records to be inspected or audited are located anywhere upon
36 a premises any portion of which is regularly open to the public or
37 members and guests, then at any time when the premises are so open, or
38 at which they are usually open; or (2) if the items or records to be

1 inspected or audited are not located upon a premises set out in
2 subsection (1) above, then any time between the hours of 8:00 a.m. and
3 9:00 p.m., Monday through Friday.

4 The (~~commission~~) board shall be provided at such reasonable
5 intervals as the (~~commission~~) board shall determine with a report,
6 under oath, detailing all receipts and disbursements in connection with
7 such gambling activities together with such other reasonable
8 information as required in order to determine whether such activities
9 comply with the purposes of this chapter or any local ordinances
10 relating thereto.

11 **Sec. 33.** RCW 9.46.140 and 1989 c 175 s 42 are each amended to read
12 as follows:

13 (1) The (~~commission~~) board or its authorized representative may:

14 (a) Make necessary public or private investigations within or
15 outside of this state to determine whether any person has violated or
16 is about to violate this chapter or any rule or order hereunder, or to
17 aid in the enforcement of this chapter or in the prescribing of rules
18 and forms hereunder; and

19 (b) Inspect the books, documents, and records of any person lending
20 money to or in any manner financing any license holder or applicant for
21 a license or receiving any income or profits from the use of such
22 license for the purpose of determining compliance or noncompliance with
23 the provisions of this chapter or the rules (~~and regulations~~) adopted
24 pursuant thereto.

25 (2) For the purpose of any investigation or proceeding under this
26 chapter, the (~~commission~~) board or an administrative law judge
27 appointed under chapter 34.12 RCW may conduct hearings, administer
28 oaths or affirmations, or upon the (~~commission's~~) board's or
29 administrative law judge's motion or upon request of any party may
30 subpoena witnesses, compel attendance, take depositions, take evidence,
31 or require the production of any matter which is relevant to the
32 investigation or proceeding, including but not limited to the
33 existence, description, nature, custody, condition, or location of any
34 books, documents, or other tangible things, or the identity or location
35 of persons having knowledge or relevant facts, or any other matter
36 reasonably calculated to lead to the discovery of material evidence.

37 (3) Upon failure to obey a subpoena or to answer questions
38 propounded by the administrative law judge and upon reasonable notice

1 to all persons affected thereby, the (~~director~~) chair may apply to
2 the superior court for an order compelling compliance.

3 (4) The administrative law judges appointed under chapter 34.12 RCW
4 may conduct hearings respecting the suspension, revocation, or denial
5 of licenses, who may administer oaths, admit or deny admission of
6 evidence, compel the attendance of witnesses, issue subpoenas, issue
7 orders, and exercise all other powers and perform all other functions
8 set out in RCW 34.05.446, 34.05.449, and 34.05.452.

9 (5) Except as otherwise provided in this chapter, all proceedings
10 under this chapter shall be in accordance with the Administrative
11 Procedure Act, chapter 34.05 RCW.

12 **Sec. 34.** RCW 9.46.150 and 1973 1st ex.s. c 218 s 15 are each
13 amended to read as follows:

14 (1) Any activity conducted in violation of any provision of this
15 chapter may be enjoined in an action commenced by the (~~commission~~)
16 board through the attorney general or by the prosecuting attorney or
17 legal counsel of any city or town in which the prohibited activity may
18 occur.

19 (2) When a violation of any provision of this chapter or any rule
20 (~~or regulation~~) adopted pursuant hereto has occurred on any property
21 or premises for which one or more licenses, permits, or certificates
22 issued by this state, or any political subdivision or public agency
23 thereof are in effect, all such licenses, permits and certificates may
24 be voided and no license, permit, or certificate so voided shall be
25 issued or reissued for such property or premises for a period of up to
26 sixty days thereafter.

27 **Sec. 35.** RCW 9.46.153 and 1981 c 139 s 14 are each amended to read
28 as follows:

29 (1) It shall be the affirmative responsibility of each applicant
30 and licensee to establish by clear and convincing evidence the
31 necessary qualifications for licensure of each person required to be
32 qualified under this chapter, as well as the qualifications of the
33 facility in which the licensed activity will be conducted;

34 (2) All applicants and licensees shall consent to inspections,
35 searches and seizures and the supplying of handwriting examples as
36 authorized by this chapter and rules adopted hereunder;

1 (3) All licensees, and persons having any interest in licensees,
2 including but not limited to employees and agents of licensees, and
3 other persons required to be qualified under this chapter or rules of
4 the ((~~commission~~)) board shall have a duty to inform the ((~~commission~~))
5 board or its staff of any action or omission which they believe would
6 constitute a violation of this chapter or rules adopted pursuant
7 thereto. No person who so informs the ((~~commission~~)) board or the
8 staff shall be discriminated against by an applicant or licensee
9 because of the supplying of such information;

10 (4) All applicants, licensees, persons who are operators or
11 directors thereof and persons who otherwise have a substantial interest
12 therein shall have the continuing duty to provide any assistance or
13 information required by the ((~~commission~~)) board and to investigations
14 conducted by the ((~~commission~~)) board. If, upon issuance of a formal
15 request to answer or produce information, evidence or testimony, any
16 applicant, licensee or officer or director thereof or person with a
17 substantial interest therein, refuses to comply, the applicant or
18 licensee may be denied or revoked by the ((~~commission~~)) board;

19 (5) All applicants and licensees shall waive any and all liability
20 as to the state of Washington, its agencies, employees and agents for
21 any damages resulting from any disclosure or publication in any manner,
22 other than a willfully unlawful disclosure or publication, of any
23 information acquired by the ((~~commission~~)) board during its licensing
24 or other investigations or inquiries or hearings;

25 (6) Each applicant or licensee may be photographed for
26 investigative and identification purposes in accordance with rules of
27 the ((~~commission~~)) board;

28 (7) An application to receive a license under this chapter or rules
29 adopted pursuant thereto constitutes a request for determination of the
30 applicant's and those person's with an interest in the applicant,
31 general character, integrity and ability to engage or participate in,
32 or be associated with, gambling or related activities impacting this
33 state. Any written or oral statement made in the course of an official
34 investigation, proceeding or process of the ((~~commission~~)) board by any
35 member, employee or agent thereof or by any witness, testifying under
36 oath, which is relevant to the investigation, proceeding or process, is
37 absolutely privileged and shall not impose any liability for slander,
38 libel or defamation, or constitute any grounds for recovery in any
39 civil action.

1 **Sec. 36.** RCW 9.46.158 and 1981 c 139 s 18 are each amended to read
2 as follows:

3 No applicant for a license from, nor licensee of, the
4 ~~((commission))~~ board, nor any operator of any gambling activity, shall,
5 without advance approval of the ~~((commission))~~ board, knowingly permit
6 any person to participate in the management or operation of any
7 activity for which a license from the ~~((commission))~~ board is required
8 or which is otherwise authorized by this chapter if that person:

9 (1) Has been convicted of, or forfeited bond upon a charge of, or
10 pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud,
11 willful failure to make required payments or reports to a governmental
12 agency at any level, or filing false reports therewith, or of any
13 similar offense or offenses, or of any crime, whether a felony or
14 misdemeanor involving any gambling activity or physical harm to
15 individuals or involving moral turpitude; or

16 (2) Has violated, failed, or refused to comply with provisions,
17 requirements, conditions, limitations or duties imposed by this
18 chapter, ~~((and any amendments thereto,))~~ or any rules adopted by the
19 ~~((commission))~~ board pursuant thereto, or has permitted, aided,
20 abetted, caused, or conspired with another to cause, any person to
21 violate any of the provisions of this chapter or rules of the
22 ~~((commission))~~ board.

23 **Sec. 37.** RCW 9.46.160 and 1991 c 261 s 3 are each amended to read
24 as follows:

25 Any person who conducts any activity for which a license is
26 required by this chapter, or by rule of the ~~((commission))~~ board,
27 without the required license issued by the ~~((commission))~~ board shall
28 be guilty of a class B felony. If any corporation conducts any
29 activity for which a license is required by this chapter, or by rule of
30 the ~~((commission))~~ board, without the required license issued by the
31 ~~((commission))~~ board, it may be punished by forfeiture of its corporate
32 charter, in addition to the other penalties set forth in this section.

33 **Sec. 38.** RCW 9.46.170 and 1991 c 261 s 4 are each amended to read
34 as follows:

35 Whoever, in any application for a license or in any book or record
36 required to be maintained by the ~~((commission))~~ board or in any report
37 required to be submitted to the ~~((commission))~~ board, shall make any

1 false or misleading statement, or make any false or misleading entry or
2 willfully fail to maintain or make any entry required to be maintained
3 or made, or who willfully refuses to produce for inspection by the
4 ((~~commission~~)) board, or its designee, any book, record, or document
5 required to be maintained or made by federal or state law, shall be
6 guilty of a gross misdemeanor subject to the penalty set forth in RCW
7 9A.20.021.

8 **Sec. 39.** RCW 9.46.198 and 1977 ex.s. c 326 s 14 are each amended
9 to read as follows:

10 Any person who works as an employee or agent or in a similar
11 capacity for another person in connection with the operation of an
12 activity for which a license is required under this chapter or by
13 ((~~commission~~)) board rule without having obtained the applicable
14 license required by the ((~~commission~~)) board under RCW 9.46.070(16)
15 shall be guilty of a gross misdemeanor and shall, upon conviction, be
16 punished by not more than one year in the county jail or a fine of not
17 more than five thousand dollars, or both.

18 **Sec. 40.** RCW 9.46.210 and 1981 c 139 s 11 are each amended to read
19 as follows:

20 (1) It shall be the duty of all peace officers, law enforcement
21 officers, and law enforcement agencies within this state to
22 investigate, enforce, and prosecute all violations of this chapter.

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

31 (3) In addition to its other powers and duties, the ((~~commission~~))
32 board shall have the power to enforce the penal provisions of chapter
33 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal
34 laws of this state relating to the conduct of or participation in
35 gambling activities and the manufacturing, importation, transportation,
36 distribution, possession, and sale of equipment or paraphernalia used
37 or for use in connection therewith. The ((~~director, the deputy~~

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

29 **Sec. 41.** RCW 9.46.220 and 1991 c 261 s 10 are each amended to read
30 as follows:

31 (1) A person is guilty of professional gambling in the first degree
32 if he or she engages in, or knowingly causes, aids, abets, or conspires
33 with another to engage in professional gambling as defined in this
34 chapter, and:

35 (a) While engaging in professional gambling acts in concert with or
36 conspires with five or more people;

37 (b) Accepts wagers exceeding five thousand dollars during any
38 calendar month on future contingent events; or

1 (c) Operates, manages, or profits from the operation of a premises
2 or location where persons are charged a fee to participate in card
3 games, lotteries, or other gambling activities that are not authorized
4 by this chapter or licensed by the (~~commission~~) board.

5 (2) However, this section shall not apply to those activities
6 enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in
7 furtherance of such activities when conducted in compliance with the
8 provisions of this chapter and in accordance with the rules adopted
9 pursuant to this chapter.

10 (3) Professional gambling in the first degree is a class B felony
11 subject to the penalty set forth in RCW 9A.20.021.

12 **Sec. 42.** RCW 9.46.225 and 1987 c 4 s 37 are each amended to read
13 as follows:

14 The penalties provided for professional gambling in this chapter
15 shall not apply to the activities authorized by this chapter when
16 conducted in compliance with the provisions of this chapter and in
17 accordance with the rules (~~and regulations~~) of the (~~commission~~)
18 board.

19 **Sec. 43.** RCW 9.46.230 and 1987 c 202 s 139 and 1987 c 4 s 43 are
20 each reenacted and amended to read as follows:

21 (1) All gambling devices as defined in this chapter are common
22 nuisances and shall be subject to seizure, immediately upon detection
23 by any peace officer, and to confiscation and destruction by order of
24 a superior or district court, except when in the possession of officers
25 enforcing this chapter.

26 (2) No property right in any gambling device shall exist or be
27 recognized in any person, except the possessory right of officers
28 enforcing this chapter.

29 (3) All furnishings, fixtures, equipment, and stock, including
30 without limitation furnishings and fixtures adaptable to nongambling
31 uses and equipment and stock for printing, recording, computing,
32 transporting, or safekeeping, used in connection with professional
33 gambling or maintaining a gambling premises, and all money or other
34 things of value at stake or displayed in or in connection with
35 professional gambling or any gambling device used therein, shall be
36 subject to seizure, immediately upon detection, by any peace officer,
37 and unless good cause is shown to the contrary by the owner, shall be

1 forfeited to the state or political subdivision by which seized by
2 order of a court having jurisdiction, for disposition by public auction
3 or as otherwise provided by law. Bona fide liens against property so
4 forfeited, on good cause shown by the lienor, shall be transferred from
5 the property to the proceeds of the sale of the property. Forfeit
6 moneys and other proceeds realized from the enforcement of this
7 subsection shall be paid into the general fund of the state if the
8 property was seized by officers thereof or to the political subdivision
9 or other public agency, if any, whose officers made the seizure, except
10 as otherwise provided by law. This subsection shall not apply to such
11 items which are actually being used by, or being held for use by, a
12 person licensed by the ((~~commission~~)) board or who is otherwise
13 authorized by this chapter or by ((~~commission~~)) board rule to conduct
14 gambling activities without a license in connection with gambling
15 activities authorized by this section when:

16 (a) The person is acting in conformance with the provisions of
17 chapter 9.46 RCW((~~, as now or hereafter amended,~~)) and the rules ((~~and~~
18 ~~regulations~~)) adopted pursuant thereto; and

19 (b) The items are of the type and kind traditionally and usually
20 employed in connection with the particular activity. Nor shall this
21 subsection apply to any act or acts in furtherance of such activities
22 when conducted in compliance with the provisions of this chapter and in
23 accordance with the rules ((~~and regulations~~)) adopted pursuant thereto.

24 (4) Whoever knowingly owns, manufactures, possesses, buys, sells,
25 rents, leases, finances, holds a security interest in, stores, repairs,
26 or transports any gambling device or offers or solicits any interest
27 therein, whether through an agent or employee or otherwise, shall be
28 guilty of a felony and fined not more than one hundred thousand dollars
29 or imprisoned not more than five years or both: PROVIDED, HOWEVER,
30 That this subsection shall not apply to persons licensed by the
31 ((~~commission~~)) board, or who are otherwise authorized by this chapter,
32 or by ((~~commission~~)) board rule, to conduct gambling activities without
33 a license, respecting devices which are to be used, or are being used,
34 solely in that activity for which the license was issued, or for which
35 the person has been otherwise authorized when:

36 (a) The person is acting in conformance with the provisions of
37 chapter 9.46 RCW((~~, as now or hereafter amended,~~)) and the rules ((~~and~~
38 ~~regulations~~)) adopted pursuant thereto; and

1 (b) The devices are a type and kind traditionally and usually
2 employed in connection with the particular activity. Nor shall this
3 subsection apply to any act or acts by such persons in furtherance of
4 the activity for which the license was issued, or for which the person
5 is authorized, when such activity is conducted in compliance with the
6 provisions of this chapter(~~(, as now or hereafter amended,)~~) and in
7 accordance with the rules (~~and regulations~~) adopted pursuant thereto.
8 Subsection (2) of this section shall have no application in the
9 enforcement of this subsection. In the enforcement of this subsection
10 direct possession of any such gambling device shall be presumed to be
11 knowing possession thereof.

12 (5) Whoever knowingly prints, makes, possesses, stores, or
13 transports any gambling record, or buys, sells, offers, or solicits any
14 interest therein, whether through an agent or employee or otherwise,
15 shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this
16 subsection shall not apply to records relating to and kept for
17 activities authorized by this chapter when the records are of the type
18 and kind traditionally and usually employed in connection with the
19 particular activity. Nor shall this subsection apply to any act or
20 acts in furtherance of such activities when conducted in compliance
21 with the provisions of this chapter and in accordance with the rules
22 (~~and regulations~~) adopted pursuant thereto. In the enforcement of
23 this subsection direct possession of any such gambling record shall be
24 presumed to be knowing possession thereof.

25 **Sec. 44.** RCW 9.46.250 and 1987 c 4 s 45 are each amended to read
26 as follows:

27 (1) All gambling premises are common nuisances and shall be subject
28 to abatement by injunction or as otherwise provided by law. The
29 plaintiff in any action brought under this subsection against any
30 gambling premises, need not show special injury and may, in the
31 discretion of the court, be relieved of all requirements as to giving
32 security.

33 (2) When any property or premise held under a mortgage, contract or
34 leasehold is determined by a court having jurisdiction to be a gambling
35 premises, all rights and interests of the holder therein shall
36 terminate and the owner shall be entitled to immediate possession at
37 his or her election: PROVIDED, HOWEVER, That this subsection shall not
38 apply to those premises in which activities authorized by this chapter

1 or any act or acts in furtherance thereof are carried on when conducted
2 in compliance with the provisions of this chapter and in accordance
3 with the rules (~~and regulations~~) adopted pursuant thereto.

4 (3) When any property or premises for which one or more licenses
5 issued by the (~~commission~~) board are in effect, is determined by a
6 court having jurisdiction to be a gambling premise, all such licenses
7 may be voided and no longer in effect, and no license so voided shall
8 be issued or reissued for such property or premises for a period of up
9 to sixty days thereafter. Enforcement of this subsection shall be the
10 duty of all peace officers and all taxing and licensing officials of
11 this state and its political subdivisions and other public agencies.
12 This subsection shall not apply to property or premises in which
13 activities authorized by this chapter, or any act or acts in
14 furtherance thereof, are carried on when conducted in compliance with
15 the provisions of this chapter and in accordance with the rules (~~and~~
16 ~~regulations~~) adopted pursuant thereto.

17 **Sec. 45.** RCW 9.46.285 and 1973 2nd ex.s. c 41 s 8 are each amended
18 to read as follows:

19 This chapter constitutes the exclusive legislative authority for
20 the licensing and regulation of any gambling activity and the state
21 preempts such licensing and regulatory functions, except as to the
22 powers and duties of any city, town, city-county, or county which are
23 specifically set forth in this chapter. Any ordinance, resolution, or
24 other legislative act by any city, town, city-county, or county
25 relating to gambling in existence on September 27, 1973, shall be as of
26 that date null and void and of no effect. Any such city, town, city-
27 county, or county may thereafter enact only such local law as is
28 consistent with the powers and duties expressly granted to and imposed
29 upon it by chapter 9.46 RCW and which is not in conflict with that
30 chapter or with the rules of the (~~commission~~) board.

31 **Sec. 46.** RCW 9.46.293 and 1989 c 8 s 1 are each amended to read as
32 follows:

33 Any fishing derby, defined under RCW 9.46.0229, shall not be
34 subject to any other provisions of this chapter or to any rules (~~or~~
35 ~~regulations~~) of the (~~commission~~) board.

1 **Sec. 47.** RCW 9.46.300 and 1977 ex.s. c 326 s 17 are each amended
2 to read as follows:

3 All applications for licenses made to the ((~~commission~~)) board,
4 with the exception of any portions of the applications describing the
5 arrest or conviction record of any person, and all reports required by
6 the ((~~commission~~)) board to be filed by its licensees on a periodic
7 basis concerning the operation of the licensed activity or concerning
8 any organization, association, or business in connection with which a
9 licensed activity is operated, in the ((~~commission~~)) board files, shall
10 be open to public inspection at the ((~~commission's~~)) board's offices
11 upon a prior written request of the ((~~commission~~)) board. The staff of
12 the ((~~commission~~)) board may decline to allow an inspection until such
13 time as the inspection will not unduly interfere with the other duties
14 of the staff. The ((~~commission~~)) board may charge the person making a
15 request for an inspection an amount necessary to offset the costs to
16 the ((~~commission~~)) board of providing the inspection and copies of any
17 requested documents.

18 **Sec. 48.** RCW 9.46.310 and 1981 c 139 s 13 are each amended to read
19 as follows:

20 No person shall manufacture, and no person shall sell, distribute,
21 furnish or supply to any other person, any gambling device, including
22 but not limited to punch boards and pull_tabs, in this state, or for
23 use within this state, without first obtaining a license to do so from
24 the ((~~commission~~)) board under the provisions of this chapter.

25 Such licenses shall not be issued by the ((~~commission~~)) board
26 except respecting devices which are designed and permitted for use in
27 connection with activities authorized under this chapter: PROVIDED,
28 That this requirement for licensure shall apply only insofar as the
29 ((~~commission~~)) board has adopted, or may adopt, rules implementing it
30 as to particular categories of gambling devices and related equipment.

31 **Sec. 49.** RCW 9.46.350 and 1981 c 139 s 16 are each amended to read
32 as follows:

33 At any time within five years after any amount of fees, interest,
34 penalties, or tax which is imposed pursuant to this chapter, or rules
35 adopted pursuant thereto, shall become due and payable, the attorney
36 general, on behalf of the ((~~commission~~)) board, may bring a civil
37 action in the courts of this state, or any other state, or of the

1 United States, to collect the amount delinquent, together with
2 penalties and interest: PROVIDED, That where the tax is one imposed by
3 a county, city or town under RCW 9.46.110, any such action shall be
4 brought by that county, city or town on its own behalf. An action may
5 be brought whether or not the person owing the amount is at such time
6 a licensee pursuant to the provisions of this chapter.

7 If such an action is brought in the courts of this state, a writ of
8 attachment may be issued and no bond or affidavit prior to the issuance
9 thereof shall be required. In all actions in this state, the records
10 of the ~~((commission))~~ board, or the appropriate county, city or town,
11 shall be prima facie evidence of the determination of the tax due or
12 the amount of the delinquency.

13 **Sec. 50.** RCW 9.46.360 and 1992 c 172 s 2 are each amended to read
14 as follows:

15 (1) The negotiation process for compacts with federally recognized
16 Indian tribes for conducting class III gaming, as defined in the Indian
17 Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian
18 lands is governed by this section.

19 (2) The ~~((gambling commission))~~ board through the ~~((director))~~
20 chair or the ~~((director's))~~ chair's designee shall negotiate compacts
21 for class III gaming on behalf of the state with federally recognized
22 Indian tribes in the state of Washington.

23 (3) When a tentative agreement with an Indian tribe on a proposed
24 compact is reached, the ~~((director))~~ chair shall immediately transmit
25 a copy of the proposed compact to all ~~((voting and ex-officio members~~
26 ~~of the gambling commission))~~ board members and to the standing
27 committees designated pursuant to subsection ~~((+5))~~ (4) of this
28 section.

29 (4) ~~((Notwithstanding RCW 9.46.040, the four ex-officio members of~~
30 ~~the gambling commission shall be deemed voting members of the gambling~~
31 ~~commission for the sole purpose of voting on proposed compacts~~
32 ~~submitted under this section.~~

33 ~~(+5))~~ Within thirty days after receiving a proposed compact from
34 the ~~((director))~~ chair, one standing committee from each house of the
35 legislature shall hold a public hearing on the proposed compact and
36 forward its respective comments to the ~~((gambling commission))~~ board.
37 The president of the senate shall designate the senate standing
38 committee that is to carry out the duties of this section, and the

1 speaker of the house of representatives shall designate the house
2 standing committee that is to carry out the duties of this section.
3 The designated committees shall continue to perform under this section
4 until the president of the senate or the speaker of the house of
5 representatives, as the case may be, designates a different standing
6 committee.

7 ~~((+6))~~ (5) The ~~((gambling commission))~~ board may hold public
8 hearings on the proposed compact any time after receiving a copy of the
9 compact from the ~~((director))~~ chair. Within forty-five days after
10 receiving the proposed compact from the ~~((director))~~ chair, the
11 ~~((gambling commission, including the four ex officio members,))~~ board
12 shall vote on whether to return the proposed compact to the
13 ~~((director))~~ chair with instructions for further negotiation or to
14 forward the proposed compact to the governor for review and final
15 execution.

16 ~~((+7))~~ (6) Notwithstanding provisions in this section to the
17 contrary, if the ~~((director))~~ chair forwards a proposed compact to the
18 ~~((gambling commission))~~ board and the designated standing committees
19 within ten days before the beginning of a regular session of the
20 legislature, or during a regular or special session of the legislature,
21 the thirty-day time limit set forth in subsection ~~((+5))~~ (4) of this
22 section and the forty-five day limit set forth in subsection ~~((+6))~~
23 (5) of this section are each forty-five days and sixty days,
24 respectively.

25 ~~((+8))~~ (7) Funding for the negotiation process under this section
26 must come from the gambling revolving fund.

27 ~~((+9))~~ (8) In addition to the powers granted under this chapter,
28 the ~~((commission))~~ board, consistent with the terms of any compact, is
29 authorized and empowered to enforce the provisions of any compact
30 between a federally recognized Indian tribe and the state of
31 Washington.

32 **Sec. 51.** RCW 10.93.020 and 1988 c 36 s 5 are each amended to read
33 as follows:

34 As used in this chapter, the following terms have the meanings
35 indicated unless the context clearly requires otherwise.

36 (1) "General authority Washington law enforcement agency" means any
37 agency, department, or division of a municipal corporation, political
38 subdivision, or other unit of local government of this state, and any

1 agency, department, or division of state government, having as its
2 primary function the detection and apprehension of persons committing
3 infractions or violating the traffic or criminal laws in general, as
4 distinguished from a limited authority Washington law enforcement
5 agency, and any other unit of government expressly designated by
6 statute as a general authority Washington law enforcement agency. The
7 Washington state patrol is a general authority Washington law
8 enforcement agency.

9 (2) "Limited authority Washington law enforcement agency" means any
10 agency, political subdivision, or unit of local government of this
11 state, and any agency, department, or division of state government,
12 having as one of its functions the apprehension or detection of persons
13 committing infractions or violating the traffic or criminal laws
14 relating to limited subject areas, including but not limited to, the
15 state departments of natural resources, fisheries, wildlife, and social
16 and health services, (~~the state gambling commission,~~) the state
17 lottery commission, the state parks and recreation commission, the
18 state utilities and transportation commission, the state gambling and
19 liquor control board, and the state department of corrections.

20 (3) "General authority Washington peace officer" means any full-
21 time, fully compensated and elected, appointed, or employed officer of
22 a general authority Washington law enforcement agency who is
23 commissioned to enforce the criminal laws of the state of Washington
24 generally.

25 (4) "Limited authority Washington peace officer" means any full-
26 time, fully compensated officer of a limited authority Washington law
27 enforcement agency empowered by that agency to detect or apprehend
28 violators of the laws in some or all of the limited subject areas for
29 which that agency is responsible. A limited authority Washington peace
30 officer may be a specially commissioned Washington peace officer if
31 otherwise qualified for such status under this chapter.

32 (5) "Specially commissioned Washington peace officer", for the
33 purposes of this chapter, means any officer, whether part-time or full-
34 time, compensated or not, commissioned by a general authority
35 Washington law enforcement agency to enforce some or all of the
36 criminal laws of the state of Washington, who does not qualify under
37 this chapter as a general authority Washington peace officer for that
38 commissioning agency, specifically including reserve peace officers,
39 and specially commissioned full-time, fully compensated peace officers

1 duly commissioned by the states of Oregon or Idaho or any such peace
2 officer commissioned by a unit of local government of Oregon or Idaho.
3 A reserve peace officer is an individual who is an officer of a
4 Washington law enforcement agency who does not serve such agency on a
5 full-time basis but who, when called by the agency into active service,
6 is fully commissioned on the same basis as full-time peace officers to
7 enforce the criminal laws of the state.

8 (6) "Federal peace officer" means any employee or agent of the
9 United States government who has the authority to carry firearms and
10 make warrantless arrests and whose duties involve the enforcement of
11 criminal laws of the United States.

12 (7) "Agency with primary territorial jurisdiction" means a city or
13 town police agency which has responsibility for police activity within
14 its boundaries; or a county police or sheriff's department which has
15 responsibility with regard to police activity in the unincorporated
16 areas within the county boundaries; or a statutorily authorized port
17 district police agency or four-year state college or university police
18 agency which has responsibility for police activity within the
19 statutorily authorized enforcement boundaries of the port district,
20 state college, or university.

21 (8) "Primary commissioning agency" means (a) the employing agency
22 in the case of a general authority Washington peace officer, a limited
23 authority Washington peace officer, an Indian tribal peace officer, or
24 a federal peace officer, and (b) the commissioning agency in the case
25 of a specially commissioned Washington peace officer (i) who is
26 performing functions within the course and scope of the special
27 commission and (ii) who is not also a general authority Washington
28 peace officer, a limited authority Washington peace officer, an Indian
29 tribal peace officer, or a federal peace officer.

30 (9) "Primary function of an agency" means that function to which
31 greater than fifty percent of the agency's resources are allocated.

32 (10) "Mutual law enforcement assistance" includes, but is not
33 limited to, one or more law enforcement agencies aiding or assisting
34 one or more other such agencies through loans or exchanges of personnel
35 or of material resources, for law enforcement purposes.

36 **Sec. 52.** RCW 19.02.040 and 1989 1st ex.s. c 9 s 316 are each
37 amended to read as follows:

1 (1) There is hereby created a board of review to provide policy
2 direction to the department of licensing as it establishes and operates
3 the business registration and licensing system. The board of review
4 shall be composed of the following officials or their designees:

5 (a) Director, department of revenue;

6 (b) Director, department of labor and industries;

7 (c) Commissioner, employment security department;

8 (d) Director, department of agriculture;

9 (e) Director, department of trade and economic development;

10 (f) Director, department of licensing;

11 (g) Director, office of financial management;

12 (h) (~~Chairman,~~) Chair, gambling and liquor control board;

13 (i) Secretary, department of social and health services;

14 (j) Secretary, department of health;

15 (k) Secretary of state;

16 (l) The governor; and

17 (m) As ex officio members:

18 (i) The president of the senate or the president's designee;

19 (ii) The speaker of the house or the speaker's designee; and

20 (iii) A representative of a recognized state-wide organization of
21 employers, representing a large cross section of the Washington
22 business community, to be appointed by the governor.

23 (2) The governor shall be the chairperson. In the governor's
24 absence, the secretary of state shall act as chairperson.

25 (3) The board shall meet at the call of the chairperson at least
26 semi-annually or at the call of a member to:

27 (a) Establish interagency policy guidelines for the system;

28 (b) Review the findings, status, and problems of system operations
29 and recommend courses of action;

30 (c) Receive reports from industry and agency task forces;

31 (d) Determine in questionable cases whether a specific license is
32 to be included in the master license system;

33 (e) Review and make recommendations on rules proposed by the
34 business license center and any amendments to or revisions of the
35 center's rules.

36 **Sec. 53.** RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each
37 amended to read as follows:

1 (~~(1)~~) The legislature hereby directs the full participation by
2 the following agencies in the implementation of this chapter:
3 (~~(a)~~) (1) Department of agriculture;
4 (~~(b)~~) (2) Secretary of state;
5 (~~(c)~~) (3) Department of social and health services;
6 (~~(d)~~) (4) Department of revenue;
7 (~~(e)~~) (5) Department of fisheries;
8 (~~(f)~~) (6) Department of employment security;
9 (~~(g)~~) (7) Department of labor and industries;
10 (~~(h)~~) (8) Department of trade and economic development;
11 (~~(i)~~) (9) Gambling and liquor control board;
12 (~~(j)~~) (10) Department of health;
13 (~~(k)~~) (11) Department of licensing;
14 (~~(l)~~) (12) Utilities and transportation commission; and
15 (~~(m)~~) (13) Other agencies as determined by the governor.

16 **Sec. 54.** RCW 19.09.020 and 1986 c 230 s 2 are each amended to read
17 as follows:

18 When used in this chapter, unless the context otherwise requires:
19 (1) A "bona fide officer or employee" of a charitable organization
20 is one (a) whose conduct is subject to direct control by such
21 organization; (b) who does not act in the manner of an independent
22 contractor in his or her relation with the organization; and (c) whose
23 compensation is not computed on funds raised or to be raised.

24 (2) "Charitable organization" means any entity that solicits or
25 collects contributions from the general public where the contribution
26 is or is purported to be used to support a charitable activity.
27 "Charitable" (a) is not limited to its common law meaning unless the
28 context clearly requires a narrower meaning; (b) does not include
29 religious or political activities; and (c) includes, but is not limited
30 to, educational, recreational, social, patriotic, legal defense,
31 benevolent, or health causes.

32 (3) "Compensation" means salaries, wages, fees, commissions, or any
33 other remuneration or valuable consideration.

34 (4) "Contribution" means the donation, promise or grant, for
35 consideration or otherwise, of any money or property of any kind or
36 value which contribution is wholly or partly induced by a solicitation.
37 Reference to dollar amounts of "contributions" or "solicitations" in
38 this chapter means in the case of payments or promises to pay for

1 merchandise or rights of any description, the value of the total amount
2 paid or promised to be paid for such merchandise or rights less the
3 reasonable purchase price to the charitable organization of any such
4 tangible merchandise, rights, or services resold by the organization,
5 and not merely that portion of the purchase price to be applied to a
6 charitable purpose.

7 (5) "Cost of solicitation" means and includes all direct and
8 indirect costs, expenditures, debts, obligations, salaries, wages,
9 commissions, fees, or other money or thing of value paid or incurred in
10 making a solicitation. Cost of solicitation does not include the
11 reasonable purchase price to the charitable organization of any
12 tangible goods or services resold by the organization as a part of its
13 fund raising activities.

14 (6) "Entity" means an individual, organization, group, association,
15 partnership, corporation, agency or unit of state government, or any
16 combination thereof.

17 (7) "General public" or "public" means any individual located in
18 Washington state without a membership or other official relationship
19 with a charitable organization before a solicitation by the charitable
20 organization.

21 (8) "Independent fund raiser" or "independent fund-raising entity"
22 means any entity that for compensation or other consideration, plans,
23 conducts, manages, or administers any drive or campaign in this state
24 for the purpose of soliciting contributions for or on behalf of any
25 charitable organization or charitable or religious purpose, or that is
26 engaged in the business of or is held out to persons in this state as
27 independently engaged in the business of soliciting contributions for
28 such purposes, or the business of planning, conducting, managing, or
29 carrying on any drive or campaign in this state for such solicitations.
30 However, a nonprofit fund raiser or bona fide officer or other employee
31 of a charitable organization shall not be deemed an independent fund
32 raiser.

33 (9) "Membership" means that for the payment of fees, dues,
34 assessments, etc., an organization provides services and confers a bona
35 fide right, privilege, professional standing, honor, or other direct
36 benefit, in addition to the right to vote, elect officers, or hold
37 office. The term "membership" does not include those persons who are
38 granted a membership upon making a contribution as the result of
39 solicitation.

1 (10) "Nonprofit fund raiser" means an entity registered as a
2 nonprofit corporation under Title 24 RCW, or any entity exempt from
3 federal income tax under section 501(c) of the Internal Revenue Code,
4 that solicits and receives contributions exceeding five thousand
5 dollars in any accounting year on behalf of a charitable or religious
6 organization other than the nonprofit corporation.

7 (11) "Other employee" of a charitable organization means any person
8 (a) whose conduct is subject to direct control by such organization;
9 (b) who does not act in the manner of any independent contractor in his
10 or her relation with the organization; and (c) who is not engaged in
11 the business of or held out to persons in this state as independently
12 engaged in the business of soliciting contributions for charitable or
13 religious purposes.

14 (12) "Parent organization" means that part of a charitable
15 organization that coordinates, supervises, or exercises control over
16 policy, fund raising, or expenditures, or assists or advises one or
17 more chapters, branches, or affiliates of such organization in the
18 state of Washington.

19 (13) "Political activities" means those activities subject to
20 chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as
21 amended.

22 (14) "Religious activities" means those religious, evangelical, or
23 missionary activities under the direction of a religious organization
24 duly organized and operating in good faith that are entitled to receive
25 a declaration of current tax exempt status for religious purposes from
26 the United States government and the duly organized branches or
27 chapters of those organizations.

28 (15) "Secretary" means the secretary of state.

29 (16) "Solicitation" means any oral or written request for a
30 contribution, including the solicitor's offer or attempt to sell any
31 property, rights, services, or other thing in connection with which:

32 (a) Any appeal is made for any charitable purpose; or

33 (b) The name of any charitable organization is used as an
34 inducement for consummating the sale; or

35 (c) Any statement is made that implies that the whole or any part
36 of the proceeds from the sale will be applied toward any charitable
37 purpose or donated to any charitable organization.

38 The solicitation shall be deemed completed when made, whether or
39 not the person making it receives any contribution or makes any sale.

1 Bingo activities, raffles, and amusement games conducted under
2 chapter 9.46 RCW and applicable rules of the Washington state gambling
3 (~~commission~~) and liquor control board are specifically excluded and
4 shall not be deemed a solicitation under this chapter.

5 **Sec. 55.** RCW 19.126.070 and 1985 c 440 s 2 are each amended to
6 read as follows:

7 Continued violation of this chapter constitutes grounds, in the
8 discretion of the state gambling and liquor control board, for
9 suspension or cancellation under RCW 66.24.010 of any license or
10 certificate held by a supplier or its agent.

11 **Sec. 56.** RCW 36.27.020 and 1987 c 202 s 205 are each amended to
12 read as follows:

13 The prosecuting attorney shall:

14 (1) Be legal adviser of the board of county commissioners, giving
15 them his or her written opinion when required by the board or the
16 chairperson thereof touching any subject which the board may be called
17 or required to act upon relating to the management of county affairs;

18 (2) Be legal adviser to all county and precinct officers and school
19 directors in all matters relating to their official business, and when
20 required draw up all instruments of an official nature for the use of
21 said officers;

22 (3) Appear for and represent the state, county, and all school
23 districts subject to the supervisory control and direction of the
24 attorney general in all criminal and civil proceedings in which the
25 state or the county or any school district in the county may be a
26 party;

27 (4) Prosecute all criminal and civil actions in which the state or
28 the county may be a party, defend all suits brought against the state
29 or the county, and prosecute actions upon forfeited recognizances and
30 bonds and actions for the recovery of debts, fines, penalties, and
31 forfeitures accruing to the state or the county;

32 (5) Attend and appear before and give advice to the grand jury when
33 cases are presented to it for consideration and draw all indictments
34 when required by the grand jury;

35 (6) Institute and prosecute proceedings before magistrates for the
36 arrest of persons charged with or reasonably suspected of felonies when
37 the prosecuting attorney has information that any such offense has been

1 committed and the prosecuting attorney shall for that purpose attend
2 when required by them if the prosecuting attorney is not then in
3 attendance upon the superior court;

4 (7) Carefully tax all cost bills in criminal cases and take care
5 that no useless witness fees are taxed as part of the costs and that
6 the officers authorized to execute process tax no other or greater fees
7 than the fees allowed by law;

8 (8) Receive all cost bills in criminal cases before district judges
9 at the trial of which the prosecuting attorney was not present, before
10 they are lodged with the board of county commissioners for payment,
11 whereupon the prosecuting attorney may retax the same and the
12 prosecuting attorney must do so if the board of county commissioners
13 deems any bill exorbitant or improperly taxed;

14 (9) Present all violations of the election laws which may come to
15 the prosecuting attorney's knowledge to the special consideration of
16 the proper jury;

17 (10) Examine at least once in each year the public records and
18 books of the auditor, assessor, treasurer, superintendent of schools,
19 and sheriff of his or her county and report to the board of county
20 commissioners every failure, refusal, omission, or neglect of such
21 officers to keep such records and books as required by law;

22 (11) Examine once in each year the official bonds of all county and
23 precinct officers and report to the board of county commissioners any
24 defect in the bonds of any such officer;

25 (12) Make an annual report to the governor as of the 31st of
26 December of each year setting forth the amount and nature of business
27 transacted by the prosecuting attorney in that year with such other
28 statements and suggestions as the prosecuting attorney may deem useful;

29 (13) Send to the state gambling and liquor control board at the end
30 of each year a written report of all prosecutions brought under the
31 state liquor laws in the county during the preceding year, showing in
32 each case, the date of trial, name of accused, nature of charges,
33 disposition of case, and the name of the judge presiding;

34 (14) Seek to reform and improve the administration of criminal
35 justice and stimulate efforts to remedy inadequacies or injustice in
36 substantive or procedural law.

37 **Sec. 57.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
38 read as follows:

1 For the purposes of RCW 42.17.240, the term "executive state
2 officer" includes:

3 (1) The chief administrative law judge, the director of
4 agriculture, the administrator of the office of marine safety, the
5 administrator of the Washington basic health plan, the director of the
6 department of services for the blind, the director of the state system
7 of community and technical colleges, the director of community
8 development, the secretary of corrections, the director of ecology, the
9 commissioner of employment security, the chairman of the energy
10 facility site evaluation council, the director of the energy office,
11 the secretary of the state finance committee, the director of financial
12 management, the director of fisheries, the executive secretary of the
13 forest practices appeals board, the (~~director of the gambling~~
14 ~~commission~~) chair of the gambling and liquor control board, the
15 director of general administration, the secretary of health, the
16 administrator of the Washington state health care authority, the
17 executive secretary of the health care facilities authority, the
18 executive secretary of the higher education facilities authority, the
19 director of the higher education personnel board, (~~the executive~~
20 ~~secretary of the horse racing commission,~~) the executive secretary of
21 the human rights commission, the executive secretary of the
22 indeterminate sentence review board, the director of the department of
23 information services, the director of the interagency committee for
24 outdoor recreation, the executive director of the state investment
25 board, the director of labor and industries, the director of licensing,
26 the director of the lottery commission, the director of the office of
27 minority and women's business enterprises, the director of parks and
28 recreation, the director of personnel, the executive director of the
29 public disclosure commission, the director of retirement systems, the
30 director of revenue, the secretary of social and health services, the
31 chief of the Washington state patrol, the executive secretary of the
32 board of tax appeals, the director of trade and economic development,
33 the secretary of transportation, the secretary of the utilities and
34 transportation commission, the director of veterans affairs, the
35 director of wildlife, the president of each of the regional and state
36 universities and the president of The Evergreen State College, each
37 district and each campus president of each state community college;

38 (2) Each professional staff member of the office of the governor;

39 (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, board of
2 trustees of each community college, each member of the state board for
3 community and technical colleges (~~(education)~~), state convention and
4 trade center board of directors, committee for deferred compensation,
5 Eastern Washington University board of trustees, Washington economic
6 development finance authority, The Evergreen State College board of
7 trustees, forest practices appeals board, forest practices board,
8 gambling (~~(commission)~~) and liquor control board, Washington health
9 care facilities authority, higher education coordinating board, higher
10 education facilities authority, higher education personnel board,
11 (~~(horse racing commission)~~) state housing finance commission, human
12 rights commission, indeterminate sentence review board, board of
13 industrial insurance appeals, information services board, interagency
14 committee for outdoor recreation, state investment board, (~~(liquor~~
15 ~~control board)~~) lottery commission, marine oversight board, oil and
16 gas conservation committee, Pacific Northwest electric power and
17 conservation planning council, parks and recreation commission,
18 personnel appeals board, personnel board, board of pilotage
19 (~~(commissioners)~~) commissioners, pollution control hearings board,
20 public disclosure commission, public pension commission, shorelines
21 hearing board, state employees' benefits board, board of tax appeals,
22 transportation commission, University of Washington board of regents,
23 utilities and transportation commission, Washington state maritime
24 commission, Washington public power supply system executive board,
25 Washington State University board of regents, Western Washington
26 University board of trustees, and wildlife commission.

27 **Sec. 58.** RCW 43.03.028 and 1991 c 3 s 294 are each amended to read
28 as follows:

29 (1) There is hereby created a state committee on agency officials'
30 salaries to consist of seven members, or their designees, as follows:
31 The president of the University of Puget Sound; the chairperson of the
32 council of presidents of the state's four-year institutions of higher
33 education; the chairperson of the State Personnel Board; the president
34 of the Association of Washington Business; the president of the Pacific
35 Northwest Personnel Managers' Association; the president of the
36 Washington State Bar Association; and the president of the Washington
37 State Labor Council. If any of the titles or positions mentioned in
38 this subsection are changed or abolished, any person occupying an

1 equivalent or like position shall be qualified for appointment by the
2 governor to membership upon the committee.

3 (2) The committee shall study the duties and salaries of the
4 directors of the several departments and the members of the several
5 boards and commissions of state government, who are subject to
6 appointment by the governor or whose salaries are fixed by the
7 governor, and of the chief executive officers of the following agencies
8 of state government:

9 The arts commission; the human rights commission; the board of
10 accountancy; the board of pharmacy; the capitol historical association
11 and museum; the eastern Washington historical society; the Washington
12 state historical society; the interagency committee for outdoor
13 recreation; the criminal justice training commission; the department of
14 personnel; the state finance committee; the state library; the traffic
15 safety commission; (~~the horse racing commission;~~) the advisory
16 council on vocational education; the public disclosure commission; the
17 state conservation commission; the commission on Hispanic affairs; the
18 commission on Asian-American affairs; the state board for volunteer
19 fire fighters; the transportation improvement board; the public
20 (~~employees~~) employment relations commission; the forest practices
21 appeals board; and the energy facilities site evaluation council.

22 The committee shall report to the governor or the chairperson of
23 the appropriate salary fixing authority at least once in each fiscal
24 biennium on such date as the governor may designate, but not later than
25 seventy-five days prior to the convening of each regular session of the
26 legislature during an odd-numbered year, its recommendations for the
27 salaries to be fixed for each position.

28 (3) Committee members shall be reimbursed by the department of
29 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

30 **Sec. 59.** RCW 43.82.010 and 1990 c 47 s 1 are each amended to read
31 as follows:

32 (1) The director of the department of general administration, on
33 behalf of the agency involved, shall purchase, lease, rent, or
34 otherwise acquire all real estate, improved or unimproved, as may be
35 required by elected state officials, institutions, departments,
36 commissions, boards, and other state agencies, or federal agencies
37 where joint state and federal activities are undertaken and may grant
38 easements and transfer, exchange, sell, lease, or sublease all or part

1 of any surplus real estate for those state agencies which do not
2 otherwise have the specific authority to dispose of real estate. This
3 section does not transfer financial liability for the acquired property
4 to the department of general administration.

5 (2) Except for real estate occupied by federal agencies, the
6 director shall determine the location, size, and design of any real
7 estate or improvements thereon acquired or held pursuant to subsection
8 (1) of this section.

9 (3) The director is authorized to purchase, lease, rent, or
10 otherwise acquire improved or unimproved real estate as owner or lessee
11 and to lease or sublet all or a part of such real estate to state or
12 federal agencies. The director shall charge each using agency its
13 proportionate rental which shall include an amount sufficient to pay
14 all costs, including, but not limited to, those for utilities,
15 janitorial and accounting services, and sufficient to provide for
16 contingencies; which shall not exceed five percent of the average
17 annual rental, to meet unforeseen expenses incident to management of
18 the real estate.

19 (4) If the director determines that it is necessary or advisable to
20 undertake any work, construction, alteration, repair, or improvement on
21 any real estate acquired pursuant to subsections (1) or (3) of this
22 section, the director shall cause plans and specifications thereof and
23 an estimate of the cost of such work to be made and filed in his or her
24 office and the state agency benefiting thereby is hereby authorized to
25 pay for such work out of any available funds: PROVIDED, That the cost
26 of executing such work shall not exceed the sum of twenty-five thousand
27 dollars. Work, construction, alteration, repair, or improvement in
28 excess of twenty-five thousand dollars, other than that done by the
29 owner of the property if other than the state, shall be performed in
30 accordance with the public works law of this state.

31 (5) In order to obtain maximum utilization of space, the director
32 shall make space utilization studies, and shall establish standards for
33 use of space by state agencies.

34 (6) The director may construct new buildings on, or improve
35 existing facilities, and furnish and equip, all real estate under his
36 or her management.

37 (7) All conveyances and contracts to purchase, lease, rent,
38 transfer, exchange, or sell real estate and to grant and accept
39 easements shall be approved as to form by the attorney general, signed

1 by the director or the director's designee, and recorded with the
2 county auditor of the county in which the property is located.

3 (8) The director may delegate any or all of the functions specified
4 in this section to any agency upon such terms and conditions as the
5 director deems advisable.

6 (9) This section does not apply to the acquisition of real estate
7 by:

8 (a) The state college and universities for research or experimental
9 purposes;

10 (b) The state gambling and liquor control board for liquor stores
11 and warehouses; and

12 (c) The department of natural resources, the department of
13 fisheries, the department of wildlife, the department of
14 transportation, and the state parks and recreation commission for
15 purposes other than the leasing of offices, warehouses, and real estate
16 for similar purposes.

17 (10) Notwithstanding any provision in this chapter to the contrary,
18 the department of general administration may negotiate ground leases
19 for public lands on which property is to be acquired under a financing
20 contract pursuant to chapter 39.94 RCW under terms approved by the
21 state finance committee.

22 **Sec. 60.** RCW 51.12.020 and 1991 c 324 s 18 and 1991 c 246 s 4 are
23 each reenacted and amended to read as follows:

24 The following are the only employments which shall not be included
25 within the mandatory coverage of this title:

26 (1) Any person employed as a domestic servant in a private home by
27 an employer who has less than two employees regularly employed forty or
28 more hours a week in such employment.

29 (2) Any person employed to do gardening, maintenance, repair,
30 remodeling, or similar work in or about the private home of the
31 employer.

32 (3) A person whose employment is not in the course of the trade,
33 business, or profession of his or her employer and is not in or about
34 the private home of the employer.

35 (4) Any person performing services in return for aid or sustenance
36 only, received from any religious or charitable organization.

37 (5) Sole proprietors or partners.

1 (6) Any child under eighteen years of age employed by his or her
2 parent or parents in agricultural activities on the family farm.

3 (7) Jockeys while participating in or preparing horses for race
4 meets licensed by the (~~Washington horse racing commission~~) gambling
5 and liquor control board pursuant to chapter 67.16 RCW.

6 (8)(a) Except as otherwise provided in (b) of this subsection, any
7 bona fide officer of a corporation voluntarily elected or voluntarily
8 appointed in accordance with the articles of incorporation or bylaws of
9 the corporation, who at all times during the period involved is also a
10 bona fide director, and who is also a shareholder of the corporation.
11 Only such officers who exercise substantial control in the daily
12 management of the corporation and whose primary responsibilities do not
13 include the performance of manual labor are included within this
14 subsection.

15 (b) Alternatively, a corporation that is not a "public company" as
16 defined in RCW (~~23B.01.400(19)~~) 23B.01.400(20) may exempt eight or
17 fewer bona fide officers, who are voluntarily elected or voluntarily
18 appointed in accordance with the articles of incorporation or bylaws of
19 the corporation and who exercise substantial control in the daily
20 management of the corporation, from coverage under this title without
21 regard to the officers' performance of manual labor if the exempted
22 officer is a shareholder of the corporation, or may exempt any number
23 of officers if all the exempted officers are related by blood within
24 the third degree or marriage. If a corporation that is not a "public
25 company" elects to be covered under subsection (8)(a) of this section,
26 the corporation's election must be made on a form prescribed by the
27 department and under such reasonable rules as the department may adopt.

28 (c) Determinations respecting the status of persons performing
29 services for a corporation shall be made, in part, by reference to
30 Title 23B RCW and to compliance by the corporation with its own
31 articles of incorporation and bylaws. For the purpose of determining
32 coverage under this title, substance shall control over form, and
33 mandatory coverage under this title shall extend to all workers of this
34 state, regardless of honorary titles conferred upon those actually
35 serving as workers.

36 (d) A corporation may elect to cover officers who are exempted by
37 this subsection in the manner provided by RCW 51.12.110.

38 (9) Services rendered by a musician or entertainer under a contract
39 with a purchaser of the services, for a specific engagement or

1 engagements when such musician or entertainer performs no other duties
2 for the purchaser and is not regularly and continuously employed by the
3 purchaser. A purchaser does not include the leader of a group or
4 recognized entity who employs other than on a casual basis musicians or
5 entertainers.

6 (10) Services performed by a newspaper carrier selling or
7 distributing newspapers on the street or from house to house.

8 (11) Services performed by an insurance agent, insurance broker, or
9 insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and
10 48.17.030, respectively.

11 (12) Services performed by a booth renter as defined in RCW
12 18.16.020. However, a person exempted under this subsection may elect
13 coverage under RCW 51.32.030.

14 **Sec. 61.** RCW 51.16.210 and 1989 c 385 s 1 are each amended to read
15 as follows:

16 (1) The department shall assess premiums, under the provisions of
17 this section, for certain horse racing employments licensed in
18 accordance with chapter 67.16 RCW. This premium assessment shall be
19 for the purpose of providing industrial insurance coverage for
20 employees of trainers licensed under chapter 67.16 RCW, including but
21 not limited to exercise riders, pony riders, and grooms, and including
22 all on or off track employment. For the purposes of RCW 51.16.210,
23 67.16.300, 51.16.140, 51.32.073, and 67.16.020 a hotwalker shall be
24 considered a groom. The department may adopt rules under chapter 34.05
25 RCW to carry out the purposes of this section, including rules
26 providing for alternative reporting periods and payment due dates for
27 coverage under this section. The department rules shall ensure that no
28 licensee licensed prior to May 13, 1989, shall pay more than the
29 assessment fixed at the basic manual rate.

30 (2) The department shall compute industrial insurance premium rates
31 on a per license basis, which premiums shall be assessed at the time of
32 each issuance or renewal of the license for owners, trainers, and
33 grooms in amounts established by department rule for coverage under
34 this section. Premium assessments shall be determined in accordance
35 with the requirements of this title, except that assessments shall not
36 be experience rated and shall be fixed at the basic manual rate.
37 However, rates may vary according to differences in working conditions
38 at major tracks and fair tracks.

1 (3) For the purposes of paying premiums and assessments under this
2 section and making reports under this title, individuals licensed as
3 trainers by the (~~Washington horse racing commission~~) gambling and
4 liquor control board shall be considered employers. The premium
5 assessment for a groom's license shall be paid by the trainer
6 responsible for signing the groom's license application and shall be
7 payable at the time of license issuance or renewal.

8 (4) The fee to be assessed on owner licenses as required by this
9 section shall not exceed one hundred fifty dollars. However, those
10 owners having less than a full ownership in a horse or horses shall pay
11 a percentage of the required license fee that is equal to the total
12 percentage of the ownership that the owner has in the horse or horses.
13 In no event shall an owner having an ownership percentage in more than
14 one horse pay more than a one hundred fifty-dollar license fee. The
15 assessment on each owner's license shall not imply that an owner is an
16 employer, but shall be required as part of the privilege of holding an
17 owner's license.

18 (5) Premium assessments under this section shall be collected by
19 the (~~Washington horse racing commission~~) gambling and liquor control
20 board and deposited in the industrial insurance trust funds as provided
21 under department rules.

22 **Sec. 62.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
23 as follows:

24 In this title, unless the context otherwise requires:

25 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
26 oxide of ethyl, or spirit of wine, which is commonly produced by the
27 fermentation or distillation of grain, starch, molasses, or sugar, or
28 other substances including all dilutions and mixtures of this
29 substance. The term "alcohol" does not include alcohol in the
30 possession of a manufacturer or distiller of alcohol fuel, as described
31 in RCW 66.12.130, which is intended to be denatured and used as a fuel
32 for use in motor vehicles, farm implements, and machines or implements
33 of husbandry.

34 (2) "Beer" means any malt beverage or malt liquor as these terms
35 are defined in this chapter.

36 (3) "Brewer" means any person engaged in the business of
37 manufacturing beer and malt liquor.

1 (4) "Board" means the gambling and liquor control board,
2 constituted under this title.

3 (5) "Club" means an organization of persons, incorporated or
4 unincorporated, operated solely for fraternal, benevolent, educational,
5 athletic or social purposes, and not for pecuniary gain.

6 (6) "Consume" includes the putting of liquor to any use, whether by
7 drinking or otherwise.

8 (7) "Dentist" means a practitioner of dentistry duly and regularly
9 licensed and engaged in the practice of his or her profession within
10 the state pursuant to chapter 18.32 RCW.

11 (8) "Distiller" means a person engaged in the business of
12 distilling spirits.

13 (9) "Druggist" means any person who holds a valid certificate and
14 is a registered pharmacist and is duly and regularly engaged in
15 carrying on the business of pharmaceutical chemistry pursuant to
16 chapter 18.64 RCW.

17 (10) "Drug store" means a place whose principal business is, the
18 sale of drugs, medicines and pharmaceutical preparations and maintains
19 a regular prescription department and employs a registered pharmacist
20 during all hours the drug store is open.

21 (11) "Employee" means any person employed by the board, including
22 a vendor, as hereinafter in this section defined.

23 (12) "Fund" means 'liquor revolving fund.'

24 (13) "Hotel" means every building or other structure kept, used,
25 maintained, advertised or held out to the public to be a place where
26 food is served and sleeping accommodations are offered for pay to
27 transient guests, in which twenty or more rooms are used for the
28 sleeping accommodation of such transient guests and having one or more
29 dining rooms where meals are served to such transient guests, such
30 sleeping accommodations and dining rooms being conducted in the same
31 building and buildings, in connection therewith, and such structure or
32 structures being provided, in the judgment of the board, with adequate
33 and sanitary kitchen and dining room equipment and capacity, for
34 preparing, cooking and serving suitable food for its guests: PROVIDED
35 FURTHER, That in cities and towns of less than five thousand
36 population, the board shall have authority to waive the provisions
37 requiring twenty or more rooms.

38 (14) "Imprisonment" means confinement in the county jail.

1 (15) "Liquor" includes the four varieties of liquor herein defined
2 (alcohol, spirits, wine and beer), and all fermented, spirituous,
3 vinous, or malt liquor, or combinations thereof, and mixed liquor, a
4 part of which is fermented, spirituous, vinous or malt liquor, or
5 otherwise intoxicating; and every liquid or solid or semisolid or other
6 substance, patented or not, containing alcohol, spirits, wine or beer,
7 and all drinks or drinkable liquids and all preparations or mixtures
8 capable of human consumption, and any liquid, semisolid, solid, or
9 other substance, which contains more than one percent of alcohol by
10 weight shall be conclusively deemed to be intoxicating. Liquor does
11 not include confections or food products that contain one percent or
12 less of alcohol by weight.

13 (16) "Manufacturer" means a person engaged in the preparation of
14 liquor for sale, in any form whatsoever.

15 (17) "Malt beverage" or "malt liquor" means any beverage such as
16 beer, ale, lager beer, stout, and porter obtained by the alcoholic
17 fermentation of an infusion or decoction of pure hops, or pure extract
18 of hops and pure barley malt or other wholesome grain or cereal in pure
19 water containing not more than eight percent of alcohol by weight, and
20 not less than one-half of one percent of alcohol by volume. For the
21 purposes of this title, any such beverage containing more than eight
22 percent of alcohol by weight shall be referred to as "strong beer."

23 (18) "Package" means any container or receptacle used for holding
24 liquor.

25 (19) "Permit" means a permit for the purchase of liquor under this
26 title.

27 (20) "Person" means an individual, copartnership, association, or
28 corporation.

29 (21) "Physician" means a medical practitioner duly and regularly
30 licensed and engaged in the practice of his or her profession within
31 the state pursuant to chapter 18.71 RCW.

32 (22) "Prescription" means a memorandum signed by a physician and
33 given by him or her to a patient for the obtaining of liquor pursuant
34 to this title for medicinal purposes.

35 (23) "Public place" includes streets and alleys of incorporated
36 cities and towns; state or county or township highways or roads;
37 buildings and grounds used for school purposes; public dance halls and
38 grounds adjacent thereto; those parts of establishments where beer may
39 be sold under this title, soft drink establishments, public buildings,

1 public meeting halls, lobbies, halls and dining rooms of hotels,
2 restaurants, theatres, stores, garages and filling stations which are
3 open to and are generally used by the public and to which the public is
4 permitted to have unrestricted access; railroad trains, stages, and
5 other public conveyances of all kinds and character, and the depots and
6 waiting rooms used in conjunction therewith which are open to
7 unrestricted use and access by the public; publicly owned bathing
8 beaches, parks, and/or playgrounds; and all other places of like or
9 similar nature to which the general public has unrestricted right of
10 access, and which are generally used by the public.

11 (24) "Regulations" means regulations made by the board under the
12 powers conferred by this title.

13 (25) "Restaurant" means any establishment provided with special
14 space and accommodations where, in consideration of payment, food,
15 without lodgings, is habitually furnished to the public, not including
16 drug stores and soda fountains.

17 (26) "Sale" and "sell" include exchange, barter, and traffic; and
18 also include the selling or supplying or distributing, by any means
19 whatsoever, of liquor, or of any liquid known or described as beer or
20 by any name whatever commonly used to describe malt or brewed liquor or
21 of wine, by any person to any person; and also include a sale or
22 selling within the state to a foreign consignee or his or her agent in
23 the state. "Sale" and "sell" shall not include the giving, at no
24 charge, of a reasonable amount of liquor by a person not licensed by
25 the board to a person not licensed by the board, for personal use only.
26 "Sale" and "sell" also does not include a raffle authorized under RCW
27 9.46.0315: PROVIDED, That the nonprofit organization conducting the
28 raffle has obtained the appropriate permit from the board.

29 (27) "Soda fountain" means a place especially equipped with
30 apparatus for the purpose of dispensing soft drinks, whether mixed or
31 otherwise.

32 (28) "Spirits" means any beverage which contains alcohol obtained
33 by distillation, including wines exceeding twenty-four percent of
34 alcohol by volume.

35 (29) "Store" means a state liquor store established under this
36 title.

37 (30) "Tavern" means any establishment with special space and
38 accommodation for sale by the glass and for consumption on the
39 premises, of beer, as herein defined.

1 (31) "Vendor" means a person employed by the board as a store
2 manager under this title.

3 (32) "Winery" means a business conducted by any person for the
4 manufacture of wine for sale, other than a domestic winery.

5 (33) "Domestic winery" means a place where wines are manufactured
6 or produced within the state of Washington.

7 (34) "Wine" means any alcoholic beverage obtained by fermentation
8 of fruits (grapes, berries, apples, et cetera) or other agricultural
9 product containing sugar, to which any saccharine substances may have
10 been added before, during or after fermentation, and containing not
11 more than twenty-four percent of alcohol by volume, including sweet
12 wines fortified with wine spirits, such as port, sherry, muscatel and
13 angelica, not exceeding twenty-four percent of alcohol by volume and
14 not less than one-half of one percent of alcohol by volume. For
15 purposes of this title, any beverage containing no more than fourteen
16 percent of alcohol by volume when bottled or packaged by the
17 manufacturer shall be referred to as "table wine," and any beverage
18 containing alcohol in an amount more than fourteen percent by volume
19 when bottled or packaged by the manufacturer shall be referred to as
20 "fortified wine." However, "fortified wine" shall not include: (a)
21 Wines that are both sealed or capped by cork closure and aged two years
22 or more; and (b) wines that contain more than fourteen percent alcohol
23 by volume solely as a result of the natural fermentation process and
24 that have not been produced with the addition of wine spirits, brandy,
25 or alcohol.

26 This subsection shall not be interpreted to require that any wine
27 be labeled with the designation "table wine" or "fortified wine."

28 (35) "Beer wholesaler" means a person who buys beer from a brewer
29 or brewery located either within or beyond the boundaries of the state
30 for the purpose of selling the same pursuant to this title, or who
31 represents such brewer or brewery as agent.

32 (36) "Wine wholesaler" means a person who buys wine from a vintner
33 or winery located either within or beyond the boundaries of the state
34 for the purpose of selling the same not in violation of this title, or
35 who represents such vintner or winery as agent.

36 **Sec. 63.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to
37 read as follows:

1 The administration of this title, including the general control,
2 management and supervision of all liquor stores, shall be vested in the
3 gambling and liquor control board, constituted under this title.

4 **Sec. 64.** RCW 66.08.022 and 1961 ex.s. c 6 s 2 are each amended to
5 read as follows:

6 The attorney general shall be the general counsel of the gambling
7 and liquor control board and he or she shall institute and prosecute
8 all actions and proceedings which may be necessary in the enforcement
9 and carrying out of the provisions of this chapter and Title 66 RCW.

10 ((He)) The attorney general shall assign such assistants as may be
11 necessary to the exclusive duty of assisting the gambling and liquor
12 control board in the enforcement of Title 66 RCW.

13 **Sec. 65.** RCW 66.08.075 and 1937 c 217 s 5 are each amended to read
14 as follows:

15 No official or employee of the gambling and liquor control board of
16 the state of Washington shall, during his or her term of office or
17 employment, or for a period of two years immediately following the
18 termination thereof, represent directly or indirectly any manufacturer
19 or wholesaler of liquor in the sale of liquor to the board.

20 **Sec. 66.** RCW 66.08.230 and 1987 c 452 s 12 are each amended to
21 read as follows:

22 To provide for the operation of the wine commission prior to its
23 first quarterly disbursement, the gambling and liquor control board
24 shall, on July 1, 1987, disburse one hundred ten thousand dollars to
25 the wine commission. However, such disbursement shall be repaid to the
26 gambling and liquor control board by a reduction from the quarterly
27 disbursements to the wine commission under RCW 66.24.210 of twenty-
28 seven thousand five hundred dollars each quarter until such amount is
29 repaid. These funds shall be used to establish the Washington wine
30 commission and the other purposes delineated in chapter 15.88 RCW.

31 **Sec. 67.** RCW 66.12.190 and 1991 c 149 s 1 are each amended to read
32 as follows:

33 Notwithstanding any other provision of Title 66 RCW, the holder of
34 a license to manufacture wine in a state which affords holders of a
35 Washington license issued under RCW 66.24.170 an equal reciprocal

1 shipping privilege, may ship for personal use and not for resale not
2 more than two cases of wine of its own manufacture per year, with each
3 case containing not more than nine liters, to any state resident
4 twenty-one years of age or older. Out-of-state wine manufacturers that
5 are authorized to ship wine pursuant to RCW 66.12.190 through 66.12.220
6 shall first obtain a license from the Washington state gambling and
7 liquor control board under procedures prescribed by rule of the board,
8 before shipping wine into Washington. Delivery of a shipment under
9 this section shall not be deemed to constitute a sale in this state.

10 **Sec. 68.** RCW 66.16.010 and 1939 c 172 s 10 are each amended to
11 read as follows:

12 (1) There shall be established at such places throughout the state
13 as the gambling and liquor control board, constituted under this title,
14 shall deem advisable, stores to be known as "state liquor stores," for
15 the sale of liquor in accordance with the provisions of this title and
16 the regulations: PROVIDED, That the prices of all liquor shall be
17 fixed by the board from time to time so that the net annual revenue
18 received by the board therefrom shall not exceed thirty-five percent.

19 (2) The gambling and liquor control board may, from time to time,
20 fix the special price at which pure ethyl alcohol may be sold to
21 physicians and dentists and institutions regularly conducted as
22 hospitals, for use or consumption only in such hospitals; and may also
23 fix the special price at which pure ethyl alcohol may be sold to
24 schools, colleges and universities within the state for use for
25 scientific purposes. Regularly conducted hospitals may have right to
26 purchase pure ethyl alcohol on a federal permit.

27 (3) The gambling and liquor control board may also fix the special
28 price at which pure ethyl alcohol may be sold to any department, branch
29 or institution of the state of Washington, federal government, or to
30 any person engaged in a manufacturing or industrial business or in
31 scientific pursuits requiring alcohol for use therein.

32 (4) The gambling and liquor control board may also fix a special
33 price at which pure ethyl alcohol may be sold to any private
34 individual, and shall make regulations governing such sale of alcohol
35 to private individuals as shall promote, as nearly as may be, the
36 minimum purchase of such alcohol by such persons.

1 **Sec. 69.** RCW 66.24.010 and 1988 c 200 s 1 are each amended to read
2 as follows:

3 (1) Every license shall be issued in the name of the applicant, and
4 the holder thereof shall not allow any other person to use the license.

5 (2) For the purpose of considering any application for a license,
6 the board may cause an inspection of the premises to be made, and may
7 inquire into all matters in connection with the construction and
8 operation of the premises. For the purpose of reviewing any
9 application for a license and for considering the denial, suspension or
10 revocation of any license, the gambling and liquor control board may
11 consider any prior criminal conduct of the applicant and the provisions
12 of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.
13 The board may, in its discretion, grant or refuse the license applied
14 for. No retail license of any kind may be issued to:

15 (a) A person who has not resided in the state for at least one
16 month prior to making application, except in cases of licenses issued
17 to dining places on railroads, boats, or aircraft;

18 (b) A copartnership, unless all of the members thereof are
19 qualified to obtain a license, as provided in this section;

20 (c) A person whose place of business is conducted by a manager or
21 agent, unless such manager or agent possesses the same qualifications
22 required of the licensee;

23 (d) A corporation, unless it was created under the laws of the
24 state of Washington or holds a certificate of authority to transact
25 business in the state of Washington.

26 (3) The board may, in its discretion, subject to the provisions of
27 RCW 66.08.150, suspend or cancel any license; and all rights of the
28 licensee to keep or sell liquor thereunder shall be suspended or
29 terminated, as the case may be. The board may request the appointment
30 of administrative law judges under chapter 34.12 RCW who shall have
31 power to administer oaths, issue subpoenas for the attendance of
32 witnesses and the production of papers, books, accounts, documents, and
33 testimony, examine witnesses, and to receive testimony in any inquiry,
34 investigation, hearing, or proceeding in any part of the state, under
35 such rules (~~and regulations~~) as the board may adopt.

36 Witnesses shall be allowed fees and mileage each way to and from
37 any such inquiry, investigation, hearing, or proceeding at the rate
38 authorized by RCW 34.05.446(~~(, as now or hereafter amended)~~). Fees

1 need not be paid in advance of appearance of witnesses to testify or to
2 produce books, records, or other legal evidence.

3 In case of disobedience of any person to comply with the order of
4 the board or a subpoena issued by the board, or any of its members, or
5 administrative law judges, or on the refusal of a witness to testify to
6 any matter regarding which he may be lawfully interrogated, the judge
7 of the superior court of the county in which the person resides, on
8 application of any member of the board or administrative law judge,
9 shall compel obedience by contempt proceedings, as in the case of
10 disobedience of the requirements of a subpoena issued from said court
11 or a refusal to testify therein.

12 (4) Upon receipt of notice of the suspension or cancellation of a
13 license, the licensee shall forthwith deliver up the license to the
14 board. Where the license has been suspended only, the board shall
15 return the license to the licensee at the expiration or termination of
16 the period of suspension. The board shall notify all vendors in the
17 city or place where the licensee has its premises of the suspension or
18 cancellation of the license; and no employee may allow or cause any
19 liquor to be delivered to or for any person at the premises of that
20 licensee.

21 (5)(a) At the time of the original issuance of a class H license,
22 the board shall prorate the license fee charged to the new licensee
23 according to the number of calendar quarters, or portion thereof,
24 remaining until the first renewal of that license is required.

25 (b) Unless sooner canceled, every license issued by the board shall
26 expire at midnight of the thirtieth day of June of the fiscal year for
27 which it was issued. However, if the board deems it feasible and
28 desirable to do so, it may establish, by rule pursuant to chapter 34.05
29 RCW, a system for staggering the annual renewal dates for any and all
30 licenses authorized by this chapter. If such a system of staggered
31 annual renewal dates is established by the board, the license fees
32 provided by this chapter shall be appropriately prorated during the
33 first year that the system is in effect.

34 (6) Every license issued under this section shall be subject to all
35 conditions and restrictions imposed by this title or by the
36 (~~regulations~~) rules in force from time to time. All conditions and
37 restrictions imposed by the board in the issuance of an individual
38 license shall be listed on the face of the individual license along
39 with the trade name, address, and expiration date.

1 (7) Every licensee shall post and keep posted its license, or
2 licenses, in a conspicuous place on the premises.

3 (8) Before the board shall issue a license to an applicant it shall
4 give notice of such application to the chief executive officer of the
5 incorporated city or town, if the application be for a license within
6 an incorporated city or town, or to the county legislative authority,
7 if the application be for a license outside the boundaries of
8 incorporated cities or towns; and such incorporated city or town,
9 through the official or employee selected by it, or the county
10 legislative authority or the official or employee selected by it, shall
11 have the right to file with the board within twenty days after date of
12 transmittal of such notice, written objections against the applicant or
13 against the premises for which the license is asked, and shall include
14 with such objections a statement of all facts upon which such
15 objections are based, and in case written objections are filed, may
16 request and the gambling and liquor control board may in its discretion
17 hold a formal hearing subject to the applicable provisions of Title 34
18 RCW(~~(, as now or hereafter amended)~~). Upon the granting of a license
19 under this title the board shall send a duplicate of the license or
20 written notification to the chief executive officer of the incorporated
21 city or town in which the license is granted, or to the county
22 legislative authority if the license is granted outside the boundaries
23 of incorporated cities or towns.

24 (9) Before the board issues any license to any applicant, it shall
25 give (a) due consideration to the location of the business to be
26 conducted under such license with respect to the proximity of churches,
27 schools, and public institutions and (b) written notice by certified
28 mail of the application to churches, schools, and public institutions
29 within five hundred feet of the premises to be licensed. The board
30 shall issue no beer retailer license class A, B, D, or E or wine
31 retailer license class C or F or class H license covering any premises
32 not now licensed, if such premises are within five hundred feet of the
33 premises of any tax-supported public elementary or secondary school
34 measured along the most direct route over or across established public
35 walks, streets, or other public passageway from the outer property line
36 of the school grounds to the nearest public entrance of the premises
37 proposed for license, and if, after receipt by the school or public
38 institution of the notice as provided in this subsection, the board
39 receives written notice, within twenty days after posting such notice,

1 from an official representative or representatives of the school within
2 five hundred feet of said proposed licensed premises, indicating to the
3 board that there is an objection to the issuance of such license
4 because of proximity to a school. For the purpose of this section,
5 church shall mean a building erected for and used exclusively for
6 religious worship and schooling or other activity in connection
7 therewith. No liquor license may be issued or reissued by the board to
8 any motor sports facility or licensee operating within the motor sports
9 facility unless the motor sports facility enforces a program reasonably
10 calculated to prevent alcohol or alcoholic beverages not purchased
11 within the facility from entering the facility and such program is
12 approved by local law enforcement agencies. It is the intent under
13 this subsection that a retail license shall not be issued by the board
14 where doing so would, in the judgment of the board, adversely affect a
15 private school meeting the requirements for private schools under Title
16 28A RCW, which school is within five hundred feet of the proposed
17 licensee. The board shall fully consider and give substantial weight
18 to objections filed by private schools. If a license is issued despite
19 the proximity of a private school, the board shall state in a letter
20 addressed to the private school the board's reasons for issuing the
21 license.

22 (10) The restrictions set forth in the preceding subsection shall
23 not prohibit the board from authorizing the transfer of existing
24 licenses now located within the restricted area to other persons or
25 locations within the restricted area: PROVIDED, Such transfer shall in
26 no case result in establishing the licensed premises closer to a church
27 or school than it was before the transfer.

28 (11) Nothing in this section prohibits the board, in its
29 discretion, from issuing a temporary retail or wholesaler license to a
30 transferee of a retail or wholesaler license to continue the operation
31 of the retail or wholesaler premises during the period a transfer
32 application for the license from person to person at the same premises
33 is pending and when the following conditions exist:

34 (a) The licensed premises has been operated under a retail or
35 wholesaler license within ninety days of the date of filing the
36 application for a temporary license;

37 (b) The retail or wholesaler license for the premises has been
38 surrendered pursuant to issuance of a temporary operating license;

1 (c) The applicant for the temporary license has filed with the
2 board an application for transfer of the retail or wholesaler license
3 at such premises to himself or herself; and

4 (d) The application for a temporary license is accompanied by a
5 temporary license fee established by the board by rule.

6 A temporary license issued by the board under this section shall be
7 for a period not to exceed sixty days. A temporary license may be
8 extended at the discretion of the board for an additional sixty-day
9 period upon payment of an additional fee and upon compliance with all
10 conditions required in this section.

11 Refusal by the board to issue or extend a temporary license shall
12 not entitle the applicant to request a hearing. A temporary license
13 may be canceled or suspended summarily at any time if the board
14 determines that good cause for cancellation or suspension exists. RCW
15 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

16 Application for a temporary license shall be on such form as the
17 board shall prescribe. If an application for a temporary license is
18 withdrawn before issuance or is refused by the board, the fee which
19 accompanied such application shall be refunded in full.

20 **Sec. 70.** RCW 66.24.160 and 1981 1st ex.s. c 5 s 30 are each
21 amended to read as follows:

22 A liquor importer's license may be issued to any qualified person,
23 firm or corporation, entitling the holder thereof to import into the
24 state any liquor other than beer or wine; to store the same within the
25 state, and to sell and export the same from the state; fee six hundred
26 dollars per annum. Such liquor importer's license shall be subject to
27 all conditions and restrictions imposed by this title or by the rules
28 ((and regulations)) of the board, and shall be issued only upon such
29 terms and conditions as may be imposed by the board. No liquor
30 importer's license shall be required in sales to the Washington state
31 gambling and liquor control board.

32 **Sec. 71.** RCW 66.24.185 and 1984 c 19 s 1 are each amended to read
33 as follows:

34 (1) There shall be a license for bonded wine warehouses which shall
35 authorize the storage of bottled wine only. Under this license a
36 licensee may maintain a warehouse for the storage of wine off the
37 premises of a winery.

1 (2) The board shall adopt similar qualifications for a bonded wine
2 warehouse license as required for obtaining a domestic winery license
3 as specified in RCW 66.24.010 and 66.24.170. A licensee must be a sole
4 proprietor, a partnership or a corporation. One or more domestic
5 wineries may operate as a partnership, corporation, business co-op or
6 agricultural co-op for the purposes of obtaining a bonded wine
7 warehouse license.

8 (3) All bottled wine shipped to a bonded wine warehouse from a
9 winery or another bonded wine warehouse shall remain under bond and no
10 tax imposed under RCW 66.24.210 shall be due, unless the wine is
11 removed from bond and shipped to a licensed Washington wine wholesaler.
12 Wine may be removed from a bonded wine warehouse only for the purpose
13 of being (a) exported from the state, (b) shipped to a licensed
14 Washington wine wholesaler, or (c) returned to a winery or bonded wine
15 warehouse.

16 (4) Warehousing of wine by any person other than (a) a licensed
17 domestic winery or a bonded wine warehouse licensed under the
18 provisions of this section, (b) a licensed Washington wine wholesaler,
19 (c) a licensed Washington wine importer, or (d) the gambling and liquor
20 control board, is prohibited.

21 (5) A license applicant shall hold a federal permit for a bonded
22 wine cellar and post a continuing wine tax bond in the amount of five
23 thousand dollars in a form prescribed by the board prior to the
24 issuance of a bonded wine warehouse license. The fee for this license
25 shall be one hundred dollars per annum.

26 (6) The board shall adopt rules requiring a bonded wine warehouse
27 to be physically secure, zoned for the intended use and physically
28 separated from any other use.

29 (7) Every licensee shall submit to the board a monthly report of
30 movement of bottled wines to and from a bonded wine warehouse in a form
31 prescribed by the board. The board may adopt other necessary
32 procedures by which bonded wine warehouses are licensed and regulated.

33 **Sec. 72.** RCW 66.24.204 and 1981 1st ex.s. c 5 s 33 are each
34 amended to read as follows:

35 (1) It shall be unlawful for any person, firm or corporation, to
36 import wine into the state of Washington or to transport or cause the
37 same to be transported into the state of Washington for sale therein,
38 unless such person, firm or corporation, has obtained from the

1 Washington state gambling and liquor control board and have in force a
2 wine importer's license. The license fee for such wine importer's
3 license shall be sixty dollars per annum;

4 (2) The wine importer's license herein provided for shall authorize
5 the holder thereof to sell wine imported, or transported, or caused to
6 be transported thereunder to licensed wine wholesalers within the state
7 and to export the same from the state. Every person, firm or
8 corporation, licensed as a wine importer, shall establish and maintain
9 a principal office within the state, at which shall be kept proper
10 records of all wine imported into the state, under his, her, their, or
11 its license. No wine importer's license shall be granted to a
12 nonresident of the state, nor to a corporation whose principal place of
13 business is outside the state, until such applicant has established
14 such principal office within the state as hereinbefore provided, and
15 has designated a statutory agent within the state upon whom service can
16 be made;

17 (3) Every wine importer's license issued under this title shall be
18 subject to all conditions and restrictions imposed by this title, or by
19 the rules (~~and regulations~~) of the board.

20 **Sec. 73.** RCW 66.24.206 and 1981 1st ex.s. c 5 s 34 are each
21 amended to read as follows:

22 No wine wholesaler nor wine importer shall purchase any wine not
23 manufactured within the state of Washington by a winery holding a
24 license as a manufacturer of wine from the state of Washington, and/or
25 transport or cause the same to be transported into the state of
26 Washington for resale therein, unless the winery or manufacturer of
27 such wine, or the licensed importer of wine produced outside the United
28 States, has obtained from the Washington state gambling and liquor
29 control board a certificate of approval, as hereinafter provided. The
30 certificate of approval herein provided for shall not be granted unless
31 and until such winery, manufacturer, or licensed importer of wine
32 produced outside the United States, shall have made a written agreement
33 with the board to furnish to the board, on or before the twentieth day
34 of each month, a report under oath, on a form to be prescribed by the
35 board, showing the quantity of wine sold or delivered to each licensed
36 wine importer, or imported by the licensed importer of wine produced
37 outside the United States, during the preceding month, and shall
38 further have agreed with the board, that such wineries, manufacturers,

1 or licensed importers of wine produced outside the United States, and
2 all general sales corporations or agencies maintained by them, and all
3 of their trade representatives and agents, shall and will faithfully
4 comply with all laws of the state of Washington pertaining to the sale
5 of intoxicating liquors and all rules ((and regulations)) of the
6 Washington state gambling and liquor control board. If any such
7 winery, manufacturer, or licensed importer of wine produced outside the
8 United States, shall, after obtaining such certificate, fail to submit
9 such report, or if such winery, manufacturer, or licensed importer of
10 wine produced outside the United States, or general sales corporations
11 or agencies maintained by them, or their trade representatives or
12 agents, shall violate the terms of such agreement, the board shall, in
13 its discretion, suspend or revoke such certificate: PROVIDED, HOWEVER,
14 That such certificates of approval shall only authorize the holder
15 thereof to ship or import into the state of Washington specifically
16 named designated and identified types of wine which conform to the
17 provisions of RCW 66.28.110 and for which the gambling and liquor
18 control board has issued a certificate of label approval. The
19 Washington state gambling and liquor control board shall not certify
20 wines labeled with names which may be confused with other nonalcoholic
21 beverages, whether manufactured or produced from a domestic winery or
22 imported, nor wines which fail to meet quality standards established by
23 the board.

24 The fee for the certificate of approval, issued pursuant to the
25 provisions of this title, shall be one hundred dollars per annum, which
26 sum shall accompany the application for such certificate.

27 **Sec. 74.** RCW 66.24.210 and 1991 c 192 s 3 are each amended to read
28 as follows:

29 (1) There is hereby imposed upon all wines sold to wine wholesalers
30 and the Washington state gambling and liquor control board, within the
31 state a tax at the rate of twenty and one-fourth cents per liter:
32 PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to
33 another winery shall not be subject to such tax. The tax provided for
34 in this section may, if so prescribed by the board, be collected by
35 means of stamps to be furnished by the board, or by direct payments
36 based on wine purchased by wine wholesalers. Every person purchasing
37 wine under the provisions of this section shall on or before the
38 twentieth day of each month report to the board all purchases during

1 the preceding calendar month in such manner and upon such forms as may
2 be prescribed by the board, and with such report shall pay the tax due
3 from the purchases covered by such report unless the same has
4 previously been paid. Any such purchaser of wine whose applicable tax
5 payment is not postmarked by the twentieth day following the month of
6 purchase will be assessed a penalty at the rate of two percent a month
7 or fraction thereof. If this tax be collected by means of stamps,
8 every such person shall procure from the board revenue stamps
9 representing the tax in such form as the board shall prescribe and
10 shall affix the same to the package or container in such manner and in
11 such denomination as required by the board and shall cancel the same
12 prior to the delivery of the package or container containing the wine
13 to the purchaser. If the tax is not collected by means of stamps, the
14 board may require that every such person shall execute to and file with
15 the board a bond to be approved by the board, in such amount as the
16 board may fix, securing the payment of the tax. If any such person
17 fails to pay the tax when due, the board may forthwith suspend or
18 cancel the license until all taxes are paid.

19 (2) An additional tax is imposed equal to the rate specified in RCW
20 82.02.030 multiplied by the tax payable under subsection (1) of this
21 section. All revenues collected during any month from this additional
22 tax shall be transferred to the state general fund by the twenty-fifth
23 day of the following month.

24 (3) An additional tax is imposed on wines subject to tax under
25 subsection (1) of this section, at the rate of one-fourth of one cent
26 per liter for wine sold after June 30, 1987. Such additional tax shall
27 cease to be imposed on July 1, 1993. All revenues collected under this
28 subsection (3) shall be disbursed quarterly to the Washington wine
29 commission for use in carrying out the purposes of chapter 15.88 RCW.

30 (4) Until July 1, 1995, an additional tax is imposed on all wine
31 subject to tax under subsection (1) of this section. The additional
32 tax is equal to twenty-three and forty-four one-hundredths cents per
33 liter on fortified wine as defined in RCW 66.04.010(34) when bottled or
34 packaged by the manufacturer and one cent per liter on all other wine.
35 All revenues collected during any month from this additional tax shall
36 be deposited in the drug enforcement and education account under RCW
37 69.50.520 by the twenty-fifth day of the following month.

1 **Sec. 75.** RCW 66.24.260 and 1981 1st ex.s. c 5 s 15 are each
2 amended to read as follows:

3 (1) It shall be unlawful for any person, firm or corporation, to
4 import beer into the state of Washington or to transport or cause the
5 same to be transported into the state of Washington for sale therein,
6 unless such person, firm or corporation, has obtained from the
7 Washington state gambling and liquor control board and have in force a
8 beer importer's license. The license fee for such beer importer's
9 license shall be sixty dollars per annum;

10 (2) The beer importer's license herein provided for shall authorize
11 the holder thereof to sell beer imported, or transported, or caused to
12 be transported thereunder to licensed beer wholesalers within the state
13 and to export the same from the state. Every person, firm or
14 corporation, licensed as a beer importer, shall establish and maintain
15 a principal office within the state, at which shall be kept proper
16 records of all beer imported into the state, under his, her, their, or
17 its license. No beer importer's license shall be granted to a
18 nonresident of the state, nor to a corporation whose principal place of
19 business is outside the state, until such applicant has established
20 such principal office within the state as hereinbefore provided, and
21 has designated a statutory agent within the state upon whom service can
22 be made;

23 (3) Every beer importer's license issued under this title shall be
24 subject to all conditions and restrictions imposed by this title, or by
25 the rules (~~and regulations~~) of the board.

26 **Sec. 76.** RCW 66.24.270 and 1981 1st ex.s. c 5 s 35 are each
27 amended to read as follows:

28 (1) Every person, firm or corporation, holding a license to
29 manufacture malt liquors within the state of Washington, shall, on or
30 before the twentieth day of each month, furnish to the Washington state
31 gambling and liquor control board, on a form to be prescribed by the
32 board, a statement showing the quantity of malt liquors sold for resale
33 during the preceding calendar month to each beer wholesaler within the
34 state of Washington;

35 (2) No beer wholesaler nor beer importer shall purchase any beer
36 not manufactured within the state of Washington by a brewer holding a
37 license as a manufacturer of malt liquors from the state of Washington,
38 and/or transport or cause the same to be transported into the state of

1 Washington for resale therein, unless the brewer or manufacturer of
2 such beer or the licensed importer of beer produced outside the United
3 States has obtained from the Washington state gambling and liquor
4 control board a certificate of approval, as hereinafter provided. The
5 certificate of approval herein provided for shall not be granted unless
6 and until such brewer or manufacturer of malt liquors or the licensed
7 importer of beer produced outside the United States shall have made a
8 written agreement with the board to furnish to the board, on or before
9 the twentieth day of each month, a report under oath, on a form to be
10 prescribed by the board, showing the quantity of beer sold or delivered
11 to each licensed beer importer or imported by the licensed importer of
12 beer produced outside the United States during the preceding month, and
13 shall further have agreed with the board, that such brewer or
14 manufacturer of malt liquors or the licensed importer of beer produced
15 outside the United States and all general sales corporations or
16 agencies maintained by such brewers or manufacturers or importers, and
17 all trade representatives or agents of such brewer or manufacturer of
18 malt liquors or the licensed importer of beer produced outside the
19 United States, and of such general sales corporations and agencies,
20 shall and will faithfully comply with all laws of the state of
21 Washington pertaining to the sale of intoxicating liquors and all rules
22 (~~and regulations~~) of the Washington state gambling and liquor control
23 board. If any such brewer or manufacturer of malt liquors or the
24 licensed importer of beer produced outside the United States shall,
25 after obtaining such certificate, fail to submit such report, or if
26 such brewer or manufacturer of malt liquors or the licensed importer of
27 beer produced outside the United States or general sales corporation or
28 agency maintained by such brewers or manufacturers or importers, or any
29 representative or agent thereof, shall violate the terms of such
30 agreement, the board shall, in its discretion, suspend or revoke such
31 certificate;

32 (3) The fee for the certificate of approval, issued pursuant to the
33 provisions of this title, shall be one hundred dollars per annum, which
34 sum shall accompany the application for such certificate.

35 **Sec. 77.** RCW 66.24.480 and 1951 c 120 s 2 are each amended to read
36 as follows:

37 "Bottle club" means a club or association operating for profit or
38 otherwise and conducting or maintaining premises in which the members

1 or other persons may resort for the primary or incidental purpose of
2 keeping or consuming liquor on the premises.

3 Except as permitted under a license issued by the Washington state
4 gambling and liquor control board, it is unlawful for any person to
5 conduct or maintain by himself or herself or by associating with
6 others, or to in any manner aid, assist, or abet in conducting or
7 maintaining a bottle club.

8 **Sec. 78.** RCW 66.24.481 and 1969 ex.s. c 250 s 2 are each amended
9 to read as follows:

10 No public place or club, or agent, servant or employee thereof,
11 shall keep or allow to be kept, either by itself, its agent, servant or
12 employee, or any other person, any liquor in any place maintained or
13 conducted by such public place or club, nor shall it permit the
14 drinking of any liquor in any such place, unless the sale of liquor in
15 said place is authorized by virtue of a valid and subsisting license
16 issued by the Washington state gambling and liquor control board, or
17 the consumption of liquor in said place is authorized by a special
18 banquet permit issued by said board. Every person who violates any
19 provision of this section shall be guilty of a gross misdemeanor.

20 "Public place," for purposes of this section only, shall mean in
21 addition to the definition set forth in RCW ((~~66.04.010(24)~~))
22 66.04.010(23), any place to which admission is charged or in which any
23 pecuniary gain is realized by the owner or operator of such place in
24 selling or vending food or soft drinks.

25 **Sec. 79.** RCW 66.24.490 and 1987 c 386 s 6 are each amended to read
26 as follows:

27 (1) There shall be a retailer's license to be designated as a class
28 I license; this shall be a special occasion license to be issued to the
29 holder of a class H license to extend the privilege of selling and
30 serving spirituous liquor by the individual glass, beer, and wine, at
31 retail, for consumption on the premises, to members and guests of a
32 society or organization on special occasions at a specified date and
33 place when such special occasions of such groups are held on premises
34 other than the class H licensed premises and for consumption on the
35 premises of such outside location. The holder of such special occasion
36 license shall be allowed to remove from the liquor stocks at the
37 licensed class H premises, liquor for sale and service at such special

1 occasion locations. Such special class I license shall be issued for
2 a specified date and place and upon payment of a fee of twenty-five
3 dollars per day or, upon proper application to the gambling and liquor
4 control board, an annual class I license may be issued to the holder of
5 a class H license upon payment of a fee of three hundred fifty dollars.

6 (2) The holder of an annual class I license shall obtain prior
7 board approval for each event at which the class I license will be
8 utilized. When applying for such board approval, the class I licensee
9 shall provide to the board all necessary or requested information
10 concerning the society or organization which will be holding the
11 function at which the class I license will be utilized.

12 (3) Upon receipt of a request for utilization of a class I license
13 at a particular time and place, the board shall give notification of
14 the pending request to the chief executive officer of the incorporated
15 city or town, if the function is to be held within an incorporated city
16 or town, or to the county legislative authority if the function is to
17 be held outside the boundaries of incorporated cities or towns.

18 (4) If attendance at the function, for which class I license
19 utilization approval is requested, will be open to the general public,
20 board approval may only be given where the society or organization
21 sponsoring the function is within the definition of "society or
22 organization" in RCW 66.24.375. If attendance at the function will be
23 limited to members and invited guests of the sponsoring society or
24 organization, board approval may be given even though the sponsoring
25 society or organization is not within the definition of "society or
26 organization" in RCW 66.24.375.

27 (5) Where the applicant for either a daily or annual class I
28 license is a class H club licensee, the board shall not issue the class
29 I license, or approve the use of a previously issued class I license,
30 unless the following requirements are met:

31 (a) The gross food sales of the class H club exceed its gross
32 liquor sales; and

33 (b) The event for which the class I license will be used is hosted
34 by a member of the class H licensed club.

35 **Sec. 80.** RCW 66.24.495 and 1981 c 142 s 1 are each amended to read
36 as follows:

37 (1) There shall be a retailer's license to be designated as class
38 L. This shall be a special license to be issued to any nonprofit arts

1 organization which sponsors and presents productions or performances of
2 an artistic or cultural nature in a specific theater or other
3 appropriate designated indoor premises approved by the board. The
4 license shall permit the licensee to sell liquor to patrons of
5 productions or performances for consumption on the premises at these
6 events. The fee for the license shall be two hundred fifty dollars per
7 annum.

8 (2) For the purposes of this section, the term "nonprofit arts
9 organization" means an organization which is organized and operated for
10 the purpose of providing artistic or cultural exhibitions,
11 presentations, or performances or cultural or art education programs,
12 as defined in subsection (3) of this section, for viewing or attendance
13 by the general public. The organization must be a not-for-profit
14 corporation under chapter 24.03 RCW and managed by a governing board of
15 not less than eight individuals none of whom is a paid employee of the
16 organization or by a corporation sole under chapter 24.12 RCW. In
17 addition, the corporation must satisfy the following conditions:

18 (a) No part of its income may be paid directly or indirectly to its
19 members, stockholders, officers, directors, or trustees except in the
20 form of services rendered by the corporation in accordance with its
21 purposes and bylaws;

22 (b) Salary or compensation paid to its officers and executives must
23 be only for actual services rendered, and at levels comparable to the
24 salary or compensation of like positions within the state;

25 (c) Assets of the corporation must be irrevocably dedicated to the
26 activities for which the license is granted and, on the liquidation,
27 dissolution, or abandonment by the corporation, may not inure directly
28 or indirectly to the benefit of any member or individual except a
29 nonprofit organization, association, or corporation;

30 (d) The corporation must be duly licensed or certified when
31 licensing or certification is required by law or regulation;

32 (e) The proceeds derived from sales of liquor, except for
33 reasonable operating costs, must be used in furtherance of the purposes
34 of the organization;

35 (f) Services must be available regardless of race, color, national
36 origin, or ancestry; and

37 (g) The gambling and liquor control board shall have access to its
38 books in order to determine whether the corporation is entitled to a
39 license.

1 (3) The term "artistic or cultural exhibitions, presentations, or
2 performances or cultural or art education programs" includes and is
3 limited to:

4 (a) An exhibition or presentation of works of art or objects of
5 cultural or historical significance, such as those commonly displayed
6 in art or history museums;

7 (b) A musical or dramatic performance or series of performances; or

8 (c) An educational seminar or program, or series of such programs,
9 offered by the organization to the general public on an artistic,
10 cultural, or historical subject.

11 **Sec. 81.** RCW 66.28.040 and 1987 c 452 s 15 are each amended to
12 read as follows:

13 Except as permitted by the board under RCW 66.20.010, no brewer,
14 wholesaler, distiller, winery, importer, rectifier, or other
15 manufacturer of liquor shall, within the state, by himself or herself,
16 his or her clerk, servant, or agent, give to any person any liquor; but
17 nothing in this section nor in RCW 66.28.010 shall prevent a brewer,
18 wholesaler, winery, or importer from furnishing samples of beer or wine
19 to authorized licensees for the purpose of negotiating a sale, in
20 accordance with regulations adopted by the gambling and liquor control
21 board, provided that the samples are subject to taxes imposed by RCW
22 66.24.290 and 66.24.210; nothing in this section shall prevent the
23 furnishing of samples of liquor to the board for the purpose of
24 negotiating the sale of liquor to the state gambling and liquor control
25 board; nothing in this section shall prevent a brewery, winery, or
26 wholesaler from furnishing beer or wine for instructional purposes
27 under RCW 66.28.150; nothing in this section shall prevent a winery or
28 wholesaler from furnishing wine without charge to a not-for-profit
29 group organized and operated solely for the purpose of enology or the
30 study of viticulture which has been in existence for at least six
31 months and any wine so furnished shall be used solely for such
32 educational purposes, provided that the wine furnished shall be subject
33 to the taxes imposed by RCW 66.24.210; nothing in this section shall
34 prevent a brewer from serving beer without charge, on the brewery
35 premises; nothing in this section shall prevent donations of wine for
36 the purposes of RCW 66.12.180; and nothing in this section shall
37 prevent a domestic winery from serving wine without charge, on the
38 winery premises.

1 **Sec. 82.** RCW 66.28.045 and 1975 1st ex.s. c 173 s 9 are each
2 amended to read as follows:

3 The legislature finds the furnishing of samples of liquor to the
4 state gambling and liquor control board is an integral and essential
5 part of the operation of the state liquor business. The legislature
6 further finds that it is necessary to establish adequate standards for
7 the accountability of the receipt, use and disposition of liquor
8 samples. The board shall adopt appropriate regulations pursuant to
9 chapter 34.05 RCW for the purpose of carrying out the provisions of
10 this section.

11 **Sec. 83.** RCW 66.40.030 and 1949 c 5 s 12 are each amended to read
12 as follows:

13 Within any unit referred to in RCW 66.40.010, there may be held a
14 separate election upon the question of whether the sale of liquor under
15 class H licenses, shall be permitted within such unit. The conditions
16 and procedure for holding such election shall be those prescribed by
17 RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever
18 a majority of qualified voters voting upon said question in any such
19 unit shall have voted "against the sale of liquor under class H
20 licenses", the county auditor shall file with the gambling and liquor
21 control board a certificate showing the result of the canvass at such
22 election; and after ninety days from and after the date of the canvass,
23 it shall not be lawful for licensees to maintain and operate premises
24 therein licensed under class H licenses. Elections held under RCW
25 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and
26 66.40.140, shall be limited to the question of whether the sale of
27 liquor by means other than under class H licenses shall be permitted
28 within such election unit.

29 **Sec. 84.** RCW 66.40.140 and 1933 ex.s. c 62 s 88 are each amended
30 to read as follows:

31 Whenever a majority of qualified voters voting upon said question
32 in any such unit shall have voted "Against sale of liquor", the county
33 auditor shall file with the gambling and liquor control board a
34 certificate showing the result of the canvass at such election; and
35 thereafter, except as hereinafter provided, it shall not be lawful for
36 a liquor store to be operated therein nor for licensees to maintain and
37 operate licensed premises therein except as hereinafter provided:

1 (1) As to any stores maintained by the board within any such unit
2 at the time of such licensing, the board shall have a period of thirty
3 days from and after the date of the canvass of the vote upon such
4 election to continue operation of its store or stores therein.

5 (2) As to any premises licensed hereunder within any such unit at
6 the time of such election, such licensee shall have a period of sixty
7 days from and after the date of the canvass of the vote upon such
8 election in which to discontinue operation of its store or stores
9 therein.

10 (3) Nothing herein contained shall prevent any distillery, brewery,
11 rectifying plant or winery or the licensed operators thereof from
12 selling its manufactured product, manufactured within such unit,
13 outside the boundaries thereof.

14 (4) Nothing herein contained shall prevent any person residing in
15 any unit in which the sale of liquor shall have been forbidden by
16 popular vote as herein provided, who is otherwise qualified to receive
17 and hold a permit under this title, from lawfully purchasing without
18 the unit and transporting into or receiving within the unit, liquor
19 lawfully purchased by him or her outside the boundaries of such unit.

20 **Sec. 85.** RCW 66.44.190 and 1979 ex.s. c 104 s 1 are each amended
21 to read as follows:

22 Except at the faculty center as so designated by the university
23 board of regents to the Washington state gambling and liquor control
24 board who may issue a class H club license therefor, it shall be
25 unlawful to sell any intoxicating liquors, with or without a license on
26 the grounds of the University of Washington, otherwise known and
27 described as follows: Fractional section 16, township 25 north, range
28 4 east of Willamette Meridian except to the extent allowed under
29 banquet permits issued pursuant to RCW 66.24.490.

30 **Sec. 86.** RCW 66.44.292 and 1981 1st ex.s. c 5 s 23 are each
31 amended to read as follows:

32 The Washington state gambling and liquor control board shall
33 furnish notification of any hearing or hearings held, wherein any
34 licensee or his or her employee is found to have sold liquor to a
35 minor, to the prosecuting attorney of the county in which the sale took
36 place, upon which the prosecuting attorney may formulate charges

1 against said minor or minors for such violation of RCW 66.44.290 as may
2 appear.

3 **Sec. 87.** RCW 66.44.310 and 1981 1st ex.s. c 5 s 24 are each
4 amended to read as follows:

5 (1) Except as otherwise provided by RCW 66.44.316 and 66.44.350, it
6 shall be a misdemeanor,

7 (a) To serve or allow to remain on the premises of any tavern, or
8 cocktail lounge portion of any class H licensed premises, any person
9 under the age of twenty-one years;

10 (b) For any person under the age of twenty-one years to enter or
11 remain on the premises of any tavern, or cocktail lounge portion of any
12 public class H licensed premises;

13 (c) For any person under the age of twenty-one years to represent
14 his or her age as being twenty-one or more years for the purpose of
15 securing admission to, or remaining on the premises of, any tavern or
16 cocktail lounge portion of any class H licensed premises.

17 (2) The Washington state gambling and liquor control board shall
18 have the power and it shall be its duty to classify the various
19 licensees, as taverns or otherwise, within the meaning of this title,
20 except bona fide restaurants, dining rooms and cafes serving commercial
21 food to the public shall not be classified as taverns during the hours
22 such food service is made available to the public.

23 **Sec. 88.** RCW 66.44.350 and 1988 c 160 s 1 are each amended to read
24 as follows:

25 Notwithstanding provisions of RCW 66.44.310, employees of class A,
26 C, D and/or H licensees eighteen years of age and over may take orders
27 for, serve and sell liquor in any part of the licensed premises except
28 cocktail lounges, bars, or other areas classified by the Washington
29 state gambling and liquor control board as off-limits to persons under
30 twenty-one years of age: PROVIDED, That such employees may enter such
31 restricted areas to perform work assignments including picking up
32 liquor for service in other parts of the licensed premises, performing
33 clean up work, setting up and arranging tables, delivering supplies,
34 delivering messages, serving food, and seating patrons: PROVIDED
35 FURTHER, That such employees shall remain in the areas off-limits to
36 minors no longer than is necessary to carry out their aforementioned

1 duties: PROVIDED FURTHER, That such employees shall not be permitted
2 to perform activities or functions of a bartender.

3 **Sec. 89.** RCW 67.16.010 and 1991 c 270 s 1 are each amended to read
4 as follows:

5 Unless the context otherwise requires, words and phrases as used
6 herein shall mean:

7 (~~"Commission" shall mean the Washington horse racing commission,~~
8 ~~hereinafter created.~~) "Board" means the gambling and liquor control
9 board.

10 "Parimutuel machine" shall mean and include both machines at the
11 track and machines at the satellite locations, that record parimutuel
12 bets and compute the payoff.

13 "Person" shall mean and include individuals, firms, corporations
14 and associations.

15 "Race meet" shall mean and include any exhibition of thoroughbred,
16 quarter horse, paint horse, Appaloosa horse racing, Arabian horse
17 racing, or standard bred harness horse racing, where the parimutuel
18 system is used.

19 Singular shall include the plural, and the plural shall include the
20 singular; and words importing one gender shall be regarded as including
21 all other genders.

22 **Sec. 90.** RCW 67.16.020 and 1989 c 385 s 5 are each amended to read
23 as follows:

24 It shall be the duty of the (~~commission~~) board, as soon as it is
25 possible after its organization, to (~~prepare and promulgate~~) adopt a
26 complete set of rules (~~and regulations~~) to govern the race meets in
27 this state. It shall determine and announce the place, time and
28 duration of race meets for which license fees are exacted; and it shall
29 be the duty of each person holding a license under the authority of
30 this chapter, and every owner, trainer, jockey, and attendant at any
31 race course in this state, to comply with all rules (~~and regulations~~
32 ~~promulgated~~) adopted and all orders issued by the (~~commission~~)
33 board. It shall be unlawful for any person to hold any race meet
34 without having first obtained and having in force and effect a license
35 issued by the (~~commission~~) board as in this chapter provided; and it
36 shall be unlawful for any owner, trainer or jockey to participate in
37 race meets in this state without first securing a license therefor from

1 the (~~state racing commission~~) board, the fee for which shall be set
2 by the (~~commission~~) board which shall offset the cost of
3 administration and shall not be for a period exceeding one year.

4 **Sec. 91.** RCW 67.16.040 and 1933 c 55 s 5 are each amended to read
5 as follows:

6 The (~~commission~~) board created by this chapter is hereby
7 authorized, and it shall be its duty, to license, regulate and
8 supervise all race meets held in this state under the terms of this
9 chapter, and to cause the various race courses of the state to be
10 visited and inspected at least once a year.

11 **Sec. 92.** RCW 67.16.050 and 1985 c 146 s 3 are each amended to read
12 as follows:

13 Every person making application for license to hold a race meet,
14 under the provisions of this chapter shall file an application with the
15 (~~commission~~) board which shall set forth the time, the place, the
16 number of days such meet will continue, and such other information as
17 the (~~commission~~) board may require. The (~~commission~~) board shall
18 be the sole judge of whether or not the race meet shall be licensed and
19 the number of days the meet shall continue. No person who has been
20 convicted of any crime involving moral turpitude shall be issued a
21 license, nor shall any license be issued to any person who has violated
22 the terms or provisions of this chapter, or any of the rules (~~and~~
23 ~~regulations~~) of the (~~commission~~) board made pursuant thereto, or who
24 has failed to pay to the (~~commission~~) board any or all sums required
25 under the provisions of this chapter. The license shall specify the
26 number of days the race meet shall continue and the number of races per
27 day, which shall be not less than six nor more than eleven, and for
28 which a fee shall be paid daily in advance of five hundred dollars for
29 each day for those meets which had gross receipts from parimutuel
30 machines in excess of fifty million dollars in the previous year and
31 two hundred dollars for each day for meets which had gross receipts
32 from parimutuel machines at or below fifty million dollars in the
33 previous year; in addition any newly authorized race meets shall pay
34 two hundred dollars per day for the first year: PROVIDED, That if
35 unforeseen obstacles arise, which prevent the holding, or completion of
36 any race meet, the license fee for the meet, or for a portion which
37 cannot be held may be refunded the licensee, if the (~~commission~~)

1 board deems the reasons for failure to hold or complete the race meet
2 sufficient. Any unexpired license held by any person who violates any
3 of the provisions of this chapter, or any of the rules (~~or~~
4 ~~regulations~~) of the (~~commission~~) board made pursuant thereto, or who
5 fails to pay to the (~~commission~~) board any and all sums required
6 under the provisions of this chapter, shall be subject to cancellation
7 and revocation by the (~~commission~~) board. Such cancellation shall be
8 made only after a summary hearing before the (~~commission~~) board, of
9 which three days' notice, in writing, shall be given the licensee,
10 specifying the grounds for the proposed cancellation, and at which
11 hearing the licensee shall be given an opportunity to be heard in
12 opposition to the proposed cancellation.

13 **Sec. 93.** RCW 67.16.060 and 1991 c 270 s 3 are each amended to read
14 as follows:

15 (1) It shall be unlawful:

16 (a) To conduct pool selling, bookmaking, or to circulate hand
17 books; or

18 (b) To bet or wager on any horse race other than by the parimutuel
19 method; or

20 (c) For any licensee to take more than the percentage provided in
21 RCW 67.16.170 and 67.16.175; or

22 (d) For any licensee to compute breaks in the parimutuel system
23 otherwise than at ten cents.

24 (2) Any willful violation of the terms of this chapter, or of any
25 rule(~~(, regulation,)~~) or order of the (~~commission~~) board shall
26 constitute a gross misdemeanor and when such violation is by a person
27 holding a license under this chapter, the (~~commission~~) board may
28 cancel the license held by the offender, and such cancellation shall
29 operate as a forfeiture of all rights and privileges granted by the
30 (~~commission~~) board and of all sums of money paid to the
31 (~~commission~~) board by the offender; and the action of the
32 (~~commission~~) board in that respect shall be final.

33 (3) The (~~commission~~) board shall have power to exclude from any
34 and all race courses of the state of Washington any person whom the
35 (~~commission~~) board deems detrimental to the best interests of racing
36 or any person who willfully violates any of the provisions of this
37 chapter or of any rule(~~(, regulation,)~~) or order issued by the
38 (~~commission~~) board.

1 (4) Every race meet held in this state contrary to the provisions
2 of this chapter is hereby declared to be a public nuisance.

3 **Sec. 94.** RCW 67.16.075 and 1985 c 146 s 13 are each amended to
4 read as follows:

5 Only breeders or owners of Washington-bred horses are eligible to
6 demand and receive a breeder's award, an owner's bonus or both. The
7 ~~((commission))~~ board shall ~~((promulgate))~~ adopt rules ~~((and~~
8 ~~regulations))~~ to certify Washington-bred horses. In setting standards
9 to certify horses as Washington-bred, the ~~((commission))~~ board shall
10 seek the advice of and consult with industry, including (1) the
11 Washington Horse Breeders' Association, for thoroughbreds; (2) the
12 Washington State Standardbred Association, for standardbred harness
13 horses; (3) the Northern Racing Quarter Horse Association, for quarter
14 horses; (4) the Washington State Appaloosa Racing Association, for
15 Appaloosas; and (5) the Washington State Arabian Horse Racing
16 Association, for Arabian horses.

17 **Sec. 95.** RCW 67.16.100 and 1991 c 270 s 4 are each amended to read
18 as follows:

19 (1) All sums paid to the ~~((commission))~~ board under this chapter,
20 including those sums collected for license fees and excluding those
21 sums collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4),
22 shall be disposed of by the ~~((commission))~~ board as follows:

23 (a) Fifty percent thereof shall be retained by the ~~((commission))~~
24 board for the payment of the salaries of its members, secretary,
25 clerical, office, and other help and all expenses incurred in carrying
26 out the provisions of this chapter. No salary, wages, expenses, or
27 compensation of any kind shall be paid by the state in connection with
28 the work of the ~~((commission))~~ board.

29 (b) One percent shall, on the next business day following the
30 receipt thereof, be paid to the state treasurer to be deposited in the
31 general fund.

32 (c) Three percent shall, on the next business day following the
33 receipt thereof, be paid to the state treasurer, who is hereby made ex
34 officio treasurer of a fund to be known as the "state trade fair fund"
35 which shall be maintained as a separate and independent fund, and made
36 available to the director of trade and economic development for the
37 sole purpose of assisting state trade fairs.

1 (d) Forty-six percent shall be paid to the state treasurer, who is
2 hereby made ex officio treasurer of a fund to be known as the "fair
3 fund," which shall be maintained as a separate and independent fund
4 outside of the state treasury, and made available to the director of
5 agriculture for the sole purpose of assisting fairs in the manner
6 provided in Title 15 RCW.

7 (2) Any moneys collected or paid to the (~~commission~~) board under
8 the terms of this chapter and not expended at the close of the fiscal
9 biennium shall be paid to the state treasurer and be placed in the
10 general fund. The (~~commission~~) board may, with the approval of the
11 office of financial management, retain any sum required for working
12 capital.

13 **Sec. 96.** RCW 67.16.101 and 1977 ex.s. c 372 s 1 are each amended
14 to read as follows:

15 The legislature finds that:

16 (1) A primary responsibility of the (~~horse racing commission~~)
17 board is the encouragement of the training and development of the
18 equine industry in the state of Washington whether the result of this
19 training and development results in legalized horse racing or in the
20 recreational use of horses;

21 (2) The (~~horse racing commission~~) board has a further major
22 responsibility to assure that any facility used as a race course should
23 be maintained and upgraded to insure the continued safety of both the
24 public and the horse at any time the facility is used for the training
25 or contesting of these animals;

26 (3) Small race courses within the state have difficulty in
27 obtaining sufficient funds to provide the maintenance and upgrading
28 necessary to assure this safety at these facilities, or to permit
29 frequent use of these facilities by 4-H children or other horse owners
30 involved in training; and

31 (4) The one percent of the parimutuel machine gross receipts used
32 to pay a special purse to the licensed owners of Washington bred horses
33 is available for the purpose of drawing interest, thereby obtaining
34 sufficient funds to be disbursed to achieve the necessary support to
35 these small race courses.

36 **Sec. 97.** RCW 67.16.102 and 1991 c 270 s 5 are each amended to read
37 as follows:

1 (1) Notwithstanding any other provision of chapter 67.16 RCW to the
2 contrary the licensee shall withhold and shall pay daily to the
3 ((~~commission~~)) board, in addition to the percentages authorized by RCW
4 67.16.105, one percent of the gross receipts of all parimutuel machines
5 at each race meet which sums shall, at the end of each meet, be paid by
6 the ((~~commission~~)) board to the licensed owners of those horses
7 finishing first, second, third and fourth Washington bred only at each
8 meet from which the additional one percent is derived in accordance
9 with an equitable distribution formula to be promulgated by the
10 ((~~commission~~)) board prior to the commencement of each race meet:
11 PROVIDED, That nothing in this section shall apply to race meets which
12 are nonprofit in nature, are of ten days or less, and have an average
13 daily handle of less than one hundred twenty thousand dollars:
14 PROVIDED, That the additional one percent of the gross receipts of all
15 parimutuel machines at each race meet and the amount retained by the
16 ((~~commission~~)) board as specified in RCW 67.16.100(1)(a) shall be
17 deposited daily in a time deposit by the ((~~commission~~)) board and the
18 interest derived therefrom shall be distributed annually on an equal
19 basis to those race courses at which independent race meets are held
20 which are nonprofit in nature and are of ten days or less: PROVIDED,
21 That prior to receiving a payment under this section any new race
22 course shall meet the qualifications set forth in this section for a
23 period of two years: PROVIDED, FURTHER, That said distributed funds
24 shall be used for the purpose of maintaining and upgrading the
25 respective racing courses and equine quartering areas of said nonprofit
26 meets. The ((~~commission~~)) board shall not permit the licensees to take
27 into consideration the benefits derived from this section in
28 establishing purses.

29 (2) The ((~~commission~~)) board is authorized to pay at the end of the
30 calendar year one-half of the one percent collected from a new licensee
31 under subsection (1) of this section for reimbursement of capital
32 construction of that new licensee's new race track for a period of five
33 years. This reimbursement does not include interest earned on that
34 one-half of one percent and such interest shall continue to be
35 collected and disbursed as provided in RCW 67.16.101 and subsection (1)
36 of this section.

37 **Sec. 98.** RCW 67.16.105 and 1991 c 270 s 6 are each amended to read
38 as follows:

1 (1) Licensees of race meets that are nonprofit in nature, are of
2 ten days or less, and have an average daily handle of one hundred
3 twenty thousand dollars or less shall withhold and pay to the
4 ((~~commission~~)) board daily for each authorized day of racing one-half
5 percent of the daily gross receipts from all parimutuel machines at
6 each race meet.

7 (2) Licensees of race meets that do not fall under subsection (1)
8 of this section shall withhold and pay to the ((~~commission~~)) board
9 daily for each authorized day of racing the following applicable
10 percentage of all daily gross receipts from all parimutuel machines at
11 each race meet:

12 (a) If the daily gross receipts of all parimutuel machines are more
13 than two hundred fifty thousand dollars, the licensee shall withhold
14 and pay to the ((~~commission~~)) board daily two and one-half percent of
15 the daily gross receipts; and

16 (b) If the daily gross receipts of all parimutuel machines are two
17 hundred fifty thousand dollars or less, the licensee shall withhold and
18 pay to the ((~~commission~~)) board daily one percent of the daily gross
19 receipts.

20 (3) In addition to those amounts in subsections (1) and (2) of this
21 section, all licensees shall forward one-tenth of one percent of the
22 daily gross receipts of all parimutuel machines to the ((~~commission~~))
23 board daily for payment to those nonprofit race meets as set forth in
24 RCW 67.16.130 and subsection (1) of this section, but said percentage
25 shall not be charged against the licensees. The total of such payments
26 shall not exceed one hundred fifty thousand dollars in any one year and
27 any amount in excess of one hundred fifty thousand dollars shall be
28 remitted to the general fund. Payments to nonprofit race meets under
29 this subsection shall be distributed on a pro rata per-race-day basis
30 and used only for purses at race tracks that have been operating under
31 RCW 67.16.130 and subsection (1) of this section for the five
32 consecutive years immediately preceding the year of payment.

33 (4) In addition to those sums paid to the ((~~commission~~)) board in
34 subsection (2) of this section, licensees who are nonprofit
35 corporations and have race meets of thirty days or more shall withhold
36 and pay to the ((~~commission~~)) board daily for each authorized day of
37 racing an amount equal to two and one-half percent of the daily gross
38 receipts of all parimutuel machines at each race meet. Said percentage
39 shall come from that amount the licensee is authorized to retain under

1 RCW 67.16.170(2). The ((~~commission~~)) board shall deposit these moneys
2 in the Washington thoroughbred racing fund created in RCW 67.16.250.

3 **Sec. 99.** RCW 67.16.110 and 1980 c 32 s 10 are each amended to read
4 as follows:

5 All radio broadcasting rights, and motion picture rights in
6 connection with meets licensed hereunder are reserved to the state and
7 the ((~~commission~~)) board shall lease or license same only to the
8 highest bidder. The exercise of such rights shall at all times be
9 under the supervision of the ((~~commission~~)) board.

10 **Sec. 100.** RCW 67.16.130 and 1991 c 270 s 7 are each amended to
11 read as follows:

12 (1) Notwithstanding any other provision of law or of chapter 67.16
13 RCW, the ((~~commission~~)) board may license race meets which are
14 nonprofit in nature, of ten days or less, and which have an average
15 daily handle of one hundred twenty thousand dollars or less, at a daily
16 licensing fee of ten dollars, and the sponsoring nonprofit association
17 shall be exempt from any other fees as provided for in chapter 67.16
18 RCW or by rule ((~~or regulation~~)) of the ((~~commission~~)) board:
19 PROVIDED, That the commission may deny the application for a license to
20 conduct a racing meet by a nonprofit association, if same shall be
21 determined not to be a nonprofit association by the ((~~Washington state~~
22 ~~racing commission~~)) board.

23 (2) Notwithstanding any other provision of law or of chapter 67.16
24 RCW or any rule promulgated by the ((~~commission~~)) board, no license for
25 a race meet which is nonprofit in nature, of ten days or less, and
26 which has an average daily handle of one hundred twenty thousand
27 dollars or less, shall be denied for the reason that the applicant has
28 not installed an electric parimutuel tote board.

29 (3) As a condition to the reduction in fees as provided for in
30 subsection (1) of this section, all fees charged to horse owners,
31 trainers, or jockeys, or any other fee charged for a permit incident to
32 the running of such race meet shall be retained by the ((~~commission~~))
33 board as reimbursement for its expenses incurred in connection with the
34 particular race meet.

35 **Sec. 101.** RCW 67.16.140 and 1973 1st ex.s. c 216 s 3 are each
36 amended to read as follows:

1 No employee of the (~~horse racing commission~~) board shall serve as
2 an employee of any track at which that individual will also serve as an
3 employee of the (~~commission~~) board.

4 **Sec. 102.** RCW 67.16.150 and 1973 1st ex.s. c 216 s 4 are each
5 amended to read as follows:

6 No employee nor any (~~commissioner of the horse racing commission~~)
7 member of the board shall have any financial interest whatsoever, other
8 than an ownership interest in a community venture, in any track at
9 which said employee serves as an agent or employee of the
10 (~~commission~~) board or at any track with respect to a (~~commissioner~~)
11 board member.

12 **Sec. 103.** RCW 67.16.160 and 1973 1st ex.s. c 216 s 5 are each
13 amended to read as follows:

14 No later than ninety days after July 16, 1973, the (~~horse racing~~
15 ~~commission~~) board shall (~~promulgate~~) adopt, pursuant to chapter
16 34.05 RCW, reasonable rules (~~and regulations~~) implementing to the
17 extent applicable to the circumstances of the (~~horse racing~~
18 ~~commission~~) board the conflict of interest laws of the state of
19 Washington as set forth in chapters 42.18, 42.21, and 42.22 RCW.

20 **Sec. 104.** RCW 67.16.175 and 1991 c 270 s 9 are each amended to
21 read as follows:

22 (1) In addition to the amounts authorized to be retained in RCW
23 67.16.170, race meets may retain daily for each authorized day of
24 racing an additional six percent of the daily gross receipts of all
25 parimutuel machines from exotic wagers at each race meet.

26 (2) Of the amounts retained in subsection (1) of this section, one-
27 sixth shall be used for Washington-bred breeder awards.

28 (3) Of the amounts retained for breeder awards under subsection (2)
29 of this section, twenty-five percent shall be retained by a new
30 licensee for reimbursement of capital construction of the new
31 licensee's new race track for a period of five years.

32 (4) As used in this section, "exotic wagers" means any multiple
33 wager. Exotic wagers are subject to approval of the (~~commission~~)
34 board.

1 **Sec. 105.** RCW 67.16.190 and 1985 c 146 s 12 are each amended to
2 read as follows:

3 Upon written application to the ((~~commission~~)) board by a licensee
4 holding a race meet, and approval by the ((~~commission~~)) board, the
5 licensee may conduct the sale of parimutuel pools on in-state or out-
6 of-state televised or simulcast races of national or regional interest:
7 PROVIDED, That the sale of such parimutuel pools shall be conducted
8 only within the enclosure of the licensee's race course and only during
9 the conduct of a race meet in the state of Washington by said licensee.

10 **Sec. 106.** RCW 67.16.200 and 1991 c 270 s 10 are each amended to
11 read as follows:

12 (1) A racing association licensed by the ((~~commission~~)) board to
13 conduct a race meet may seek approval from the ((~~commission~~)) board to
14 conduct parimutuel wagering on its program at a satellite location or
15 locations within the state of Washington. The sale of parimutuel pools
16 at satellite locations shall be conducted only during the licensee's
17 race meet and simultaneous to all parimutuel wagering activity
18 conducted at the licensee's racing facility in the state of Washington.
19 The ((~~commission's~~)) board's authority to approve satellite wagering at
20 a particular location is subject to the following limitations:

21 (a) The ((~~commission~~)) board may approve only one satellite
22 location in each county in the state; however, the ((~~commission~~)) board
23 may grant approval for more than one licensee to conduct wagering at
24 each satellite location.

25 (b) The ((~~commission~~)) board shall not allow a licensee to conduct
26 satellite wagering at a satellite location within twenty ground miles
27 of the licensee's racing facility. For purposes of this section,
28 "ground miles" means miles measured from point to point in a straight
29 line.

30 (c)(i) The ((~~commission~~)) board may allow a licensee to conduct
31 satellite wagering at a satellite location within fifty ground miles of
32 the racing facility of another licensee who conducts race meets of
33 thirty days or more, but only if the satellite location is the racing
34 facility of another licensee who conducts race meets of thirty days or
35 more and only if the licensee seeking to conduct satellite wagering
36 suspends its program during the conduct of the meets of all licensees
37 within fifty ground miles; except that the ((~~commission~~)) board may
38 allow a licensee that conducts satellite wagering at another track,

1 pursuant to this subsection, to use other satellite locations, used by
2 that track with the approval of the owner of that track, even though
3 those satellite locations are within a fifty ground mile radius.

4 (ii) Subject to subsection (1)(c)(i) of this section, the
5 (~~commission~~) board may allow a licensee to conduct satellite wagering
6 at a satellite location within fifty ground miles of the racing
7 facility of another licensee who conducts race meets of under thirty
8 days, but only if the licensee seeking to conduct satellite wagering
9 suspends its satellite program during the conduct of the meets of all
10 licensees within fifty ground miles.

11 (2) Subject to local zoning and other land use ordinances, the
12 (~~commission~~) board shall be the sole judge of whether approval to
13 conduct wagering at a satellite location shall be granted.

14 (3) The licensee shall combine the parimutuel pools of the
15 satellite location with those of the racing facility for the purpose of
16 determining odds and computing payoffs. The amount wagered at the
17 satellite location shall be combined with the amount wagered at the
18 racing facility for the application of take out formulas and
19 distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and
20 67.16.175. A satellite extension of the licensee's racing facility
21 shall be subject to the same application of the rules of racing as the
22 licensee's racing facility.

23 **Sec. 107.** RCW 67.16.230 and 1991 c 270 s 11 are each amended to
24 read as follows:

25 The (~~commission~~) board is authorized to establish and collect an
26 annual fee for each separate satellite location. The fee to be
27 collected from the licensee shall be set to reflect the
28 (~~commission's~~) board's expected costs of approving, regulating, and
29 monitoring each satellite location, provided (~~commission~~) board
30 revenues generated under RCW 67.16.105 from the licensee shall be
31 credited annually towards the licensee's fee assessment under this
32 section.

33 **Sec. 108.** RCW 67.16.300 and 1989 c 385 s 2 are each amended to
34 read as follows:

35 In addition to the license fees authorized by this chapter, the
36 (~~commission~~) board shall collect the industrial insurance premium
37 assessments required under RCW 51.16.210 from trainers, grooms, and

1 owners. The industrial insurance premium assessments required under
2 RCW 51.16.210 shall be retroactive to January 1, 1989, and shall be
3 collected from all licensees whose licenses were issued after that
4 date. The (~~commission~~) board shall deposit the industrial insurance
5 premium assessments in the industrial insurance trust fund as required
6 by rules adopted by the department of labor and industries.

7 **Sec. 109.** RCW 67.70.055 and 1987 c 511 s 4 are each amended to
8 read as follows:

9 The (~~director, deputy directors, any assistant directors~~) chair,
10 and employees of the state lottery and members of the lottery
11 commission shall not:

12 (1) Serve as an officer or manager of any corporation or
13 organization which conducts a lottery or gambling activity;

14 (2) Receive or share in, directly or indirectly, the gross profits
15 of any lottery or other gambling activity regulated by the gambling
16 (~~commission~~) and liquor control board;

17 (3) Be beneficially interested in any contract for the manufacture
18 or sale of gambling devices, the conduct of a lottery or other gambling
19 activity, or the provision of independent consultant services in
20 connection with a lottery or other gambling activity.

21 **Sec. 110.** RCW 67.70.070 and 1982 2nd ex.s. c 7 s 7 are each
22 amended to read as follows:

23 No license as an agent to sell lottery tickets or shares may be
24 issued to any person to engage in business exclusively as a lottery
25 sales agent. Before issuing a license the director shall consider such
26 factors as: (1) The financial responsibility and security of the
27 person and his or her business or activity, (2) the accessibility of
28 his or her place of business or activity to the public, (3) the
29 sufficiency of existing licenses to serve the public convenience, and
30 (4) the volume of expected sales.

31 For purposes of this section, the term "person" means an
32 individual, association, corporation, club, trust, estate, society,
33 company, joint stock company, receiver, trustee, assignee, referee, or
34 any other person acting in a fiduciary or representative capacity,
35 whether appointed by a court or otherwise, and any combination of
36 individuals. "Person" does not mean any department, commission,
37 agency, or instrumentality of the state, or any county or municipality

1 or any agency or instrumentality thereof, except for retail outlets of
2 the state gambling and liquor control board.

3 **Sec. 111.** RCW 82.04.350 and 1961 c 15 s 82.04.350 are each amended
4 to read as follows:

5 This chapter shall not apply to any person in respect to the
6 business of conducting race meets for the conduct of which a license
7 must be secured from the ((~~horse racing commission~~)) gambling and
8 liquor control board.

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