

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 624

AN ORDINANCE, relating to gambling and incorporating Chapter 218, Laws of Washington, 1973 1st Ex. Ord. Session by reference, levying a tax on the gross revenue therefrom, providing penalties and repealing any and all ordinances in conflict therewith.

WHEREAS, the Legislature of the State of Washington has heretofore adopted Chapter 218, Laws of 1973, First Extraordinary Session, relating to gambling and

WHEREAS, pursuant to Section 7 of said Chapter 218 the County of King has heretofore adopted its Substitute Ordinance No. 1758 relating to gambling throughout the incorporated and unincorporated areas of said County and

WHEREAS, the City of Redmond is an incorporated, non-charter code city located within King County and hereby elects to likewise levy a tax upon the gross revenue of bingo, raffles and amusement games as hereinafter set forth, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND DO ORDAIN AS FOLLOWS:

Section 1. Chapter 218 Laws of Washington, 1973 First Extraordinary Session is hereby incorporated in total by reference as though fully set forth, including any and all definitions contained in Section 2 therein; provided, however, that until further notice, the operation of punch boards and pull-tabs is hereby prohibited in all respects.

Section 2. In pursuance of King County Substitute Ordinance No. 1758 passed on August 13, 1973, the City of Redmond, a non-charter code city, hereby elects and does hereby levy a tax upon the gross revenue of bingo, raffles and amusement games which shall be imposed upon and collected from bonafide charitable and nonprofit organizations duly licensed by the Washington State Gambling Commission to conduct such activities. The rate of tax imposed hereby shall be seven (7) percent of the gross revenue received by the bonafide charitable or nonprofit organization engaged in and licensed in the afore-mentioned activities and operating within the limits of the City of Redmond. The tax shall be paid by the 15th day of the month following that in which the revenue is received.

Section 3. The administration and collection of the tax imposed by this Ordinance shall be by the City Clerk and pursuant to the rules and regulations as may be adopted from time to time by the Washington State Gambling Commission. The City Clerk shall adopt and publish such rules and regulations as may be reasonably necessary to enable the collection of the tax imposed hereby.

Section 4. For the purpose of identifying who shall be taxed, any organization intending to conduct or operate in the City of Redmond any bingo, raffles or amusement games authorized by Chapter 218, Laws of Washington, 1973 First Extraordinary Session, shall, prior to commencement of any such activity, file with the City Clerk a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with said Chapter 218, and thereafter for a period covered by such license or any renewal thereof, shall on or before the fifteenth day of each month, file with the City Clerk a sworn statement on a form to be provided and prescribed by the City Clerk for the purpose of ascertaining the tax due for the preceding month.

Section 5. It shall be the responsibility of all officers, directors and managers of any organization conducting bingo, raffles and amusement games to provide access, at all reasonable time, to such financial records as the Mayor, his authorized representative or law enforcement representative of the City of Redmond, may require in order to determine full compliance with this Ordinance and all rules and regulations adopted or hereafter adopted by the State of Washington Gambling Commission.

Section 6. Any officer, director or manager of any organization duly licensed by the State of Washington Gambling Commission to conduct bingo, raffles and amusement games who fails, neglects or refuses to pay the tax as required by this Ordinance shall be held financially responsible therefor, and in addition thereto shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the City jail for not more than ninety (90) days or by a fine of not more than two hundred and fifty dollars (\$250.00), or both.

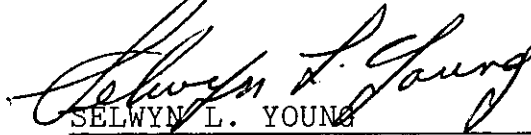
Section 7. Should any section, paragraph, sentence, clause or phrase of this Ordinance or its application to any person, organization or circumstance be declared unconstitutional or otherwise invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons, organizations or circumstances.

Section 8. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed, specifically Ordinance No. 558.


Section 9. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington,  
at a regular meeting thereof, and APPROVED by the Mayor  
this 4<sup>th</sup> day of September, 1973.


CITY OF REDMOND

  
SELWYN L. YOUNG  
MAYOR

ATTEST:

  
ELEANOR J. HAYDEN  
CITY CLERK

APPROVED AS TO FORM:

  
JAMES H. DAILEY  
ASSISTANT CITY ATTORNEY

Published in the Sammamish Valley News on 9-12-73

*Charlie Goff*

CITY OF REDMOND  
Washington

AN ORDINANCE relating to gambling, levying a tax, providing penalties and repealing Ordinance 1245 and K.C.C. 12.54 and Resolution 11033 and K.C.C. 12.56.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Chapter 218, Laws of Washington, 1973 First

Extraordinary Session is hereby incorporated in total by reference, including definitions contained in Section 2 therein:

PROVIDED, that until further notice the operation of punch boards and pull-tabs is prohibited.

SECTION 2. (1) There is hereby levied a tax upon the gross revenue of bingo, raffles and amusement games, which shall be imposed upon and collected from bona fide charitable or non-profit organizations duly licensed to conduct such activities.

(2) The rate of tax imposed by Section 2 (1) shall be seven percent of the gross revenue received by the bona fide charitable or nonprofit organization.

(3) The administration and collection of the tax imposed by this section shall be by the Department of Executive Administration, Comptroller Division and pursuant to rules and regulations as may be adopted by the Washington State Gambling Commission.

(4) For the purpose of identifying who shall be taxed, any organization intending to conduct or operate in King County any bingo, raffles or amusement games authorized by Chapter 218, Laws of Washington, 1973 First Extraordinary Session, shall, prior to commencement of any such activity, file with the Comptroller Division a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with said Chapter 218, and thereafter for any period covered by such license or any renewal thereof, shall on or before the fifteenth day of each month, file with the Comptroller Division a sworn statement on a form to be provided and prescribed by the Comptroller Division for the purpose of ascertaining the tax due for

1 the preceding month. A copy of each declaration shall be sent, by  
2 the Comptroller Division, to the Municipality in which the bingo,  
3 raffle or amusement game occurred.

4 (5) The tax shall be paid by the fifteenth day of  
5 the month following that in which the revenue is received.

6 (6) The officers, directors and managers of any  
7 organization licensed by the state to conduct bingo, raffles and  
8 amusement games who fail or refuse to pay the tax as required by  
9 this ordinance shall be held financially responsible and in addition  
10 shall be guilty of a misdemeanor upon conviction and shall be  
11 punished by imprisonment in the county jail for not more than ninety  
12 days or by a fine of not more than two hundred and fifty dollars,  
13 or both.

14 SECTION 3. Incorporated areas within King County which adopt  
15 an ordinance levying the tax on bingo, raffles and amusement games  
16 are hereby entitled to all tax revenue from such bingo, raffles and  
17 amusement games played or conducted within such incorporated area.  
18 The incorporated area shall also be responsible for the administra-  
19 tion and enforcement of the taxing provisions of such ordinance  
20 within their jurisdiction.

21 SECTION 4. The Comptroller or his authorized representative  
22 shall:

23 (1) Adopt and publish such rules and regulations  
24 as are necessary to enable the collection of the tax imposed in  
25 Section 2 herein in the unincorporated areas of King County.

26 (2) Prescribe and issue the appropriate forms for  
27 determination and declaration of the amount of tax to be paid.

28 (3) Have the power to enter into contracts with  
29 municipalities for the collection of the tax imposed on bingo,  
30 raffles and amusement games conducted within such municipalities.

31 SECTION 5. It shall be the responsibility of all officers,  
32 directors and managers of any organization conducting bingo, raffles

1 and amusement games, to provide access to such financial records as  
2 the Director of Public Safety, his authorized representative or law  
3 enforcement representatives of local municipalities may require in  
4 order to determine compliance with this ordinance.

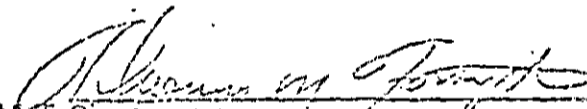
5 SECTION 6. Ordinance No. 1245 and K.C.C. 1254 and Resolution  
6 No. 11852 and K.C.C. 12.56 are hereby repealed.

7 SECTION 7. Should any section, paragraph, sentence, clause  
8 or phrase of this ordinance or its application to any person or  
9 circumstance be declared unconstitutional or otherwise invalid  
10 for any reason, such decision shall not affect the validity of the  
11 remaining portions of this ordinance or its application to other  
12 persons or circumstances.

13 INTRODUCED AND READ for the first time this 13<sup>th</sup> day of  
14 June, 1973.

15 PASSED this 13<sup>th</sup> day of August, 1973

17 KING COUNTY COUNCIL  
18 KING COUNTY, WASHINGTON

19  
20   
21 VICE Chairman

22 ATTEST:

23  
24 ACTING Clerk  
25 King County Council

26 APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

27  
28  
29  
30 King County Executive

31  
32

New Section. Sec. 4. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to the approval of the state capital committee.

New Section. Sec. 5. The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this 1973 act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this 1973 act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

New Section. Sec. 6. In addition to any other charges authorized by law and to assist in retombursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

New Section. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and this 1973 act shall not be deemed to provide an exclusive method for such payment.

New Section. Sec. 8. The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

New Section. Sec. 9. If any provision of this 1973 act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

New Section. Sec. 10. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Approved April 27, 1973.  
Material in Sections 1 and 4 of Chapter 217, shown by strikethrough, was deleted by the Governor.

Washington GAMBLING—COMMISSION, CREATION, POWERS AND DUTIES—FUND—LOCAL TAX—REGULATIONS—VIOLATIONS—PENALTIES

SUBSTITUTE HOUSE BILL NO. 711

CHAPTER 218

[Material in ~~strikethrough~~ deleted]

An Act relating to gambling; creating the Washington state gambling commission; defining crimes; adding a new chapter to Title 9 RCW; repealing section 1, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.300; repealing section 2, chapter 280, Laws of 1971 ex. sess., section 1, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.310; repealing section 3, chapter 280, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.320; repealing section 4, chapter 280, Laws of 1971 ex. sess., section 3, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.330; repealing section 5, chapter 280, Laws of 1971 ex. sess., section 4, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.340; repealing section 6, chapter 280, Laws of 1971 ex. sess., section 5, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.350; repealing section 7, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.360; repealing section 8, chapter 280, Laws of 1971 ex. sess., section 6, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.370; repealing section 9, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.380; repealing section 11, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.390; repealing section 16, chapter 280, Laws of 1971 ex. sess., section 7, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.400; repealing section 18, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.420; repealing section 19, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.410; repealing section 20, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.430; repealing section 25, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.440; repealing section 36, page 53, Laws of 1954, section 103, page 222, Laws of 1959, section 109, page 205, Laws of 1973, section 913, Code of 1981, section 53, page 93, Laws of 1954, section 103, page 222, Laws of 1959, section 109, page 205, Laws of 1973, section 913, Code of 1981, section 219, Laws of 1909 and RCW 9.50.030; repealing section 214, chapter 249, Laws of 1909 and RCW 9.50.030; repealing section 215, chapter 249, Laws of 1909 and RCW 9.50.030; repealing section 216, chapter 249, Laws of 1909 and RCW 9.50.030; repealing section 1, chapter 21, Laws of 1923, section 1, chapter 90, Laws of 1967 and RCW 9.47.150; repealing sections 2 and 3, chapter 21, Laws of 1923 and RCW 9.47.160 and 9.47.170; repealing sections 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060, chapter 15, Laws of 1961 and RCW 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060; prescribing penalties.

As it enacted by the Legislature of the State of Washington:

New Section. Section 1.

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

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

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

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

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

New Section. Sec. 2.

(1) "Amusement game" means a game played for entertainment in which:

(a) The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

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

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

(f) Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, chimesopnary, educational,

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tional, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of Federal income taxes pursuant to the Internal Revenue Code of 1954 as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

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

(4) "Bookmaking" means accepting bets as a business, rather than in casual or personal fashion, upon the outcome of future contingent events.

(5) "Contest of chance" means any game or contest of chance in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(6) "Contest of chance" means any contest, game, gambling scheme, or gambling device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Contest of chance" means any contest, game, gambling scheme, or gambling device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Gambling" means a person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement understanding that he or someone else will receive something of value the event of a certain outcome. Gambling does not include participation in a game authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to, contracts of indemnity or guarantee and life, health and accident insurance.

(9) "Gambling device" other than for the purposes of subsection (18) of this section means: (a) Any device or mechanism used for professional gambling by the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as a result of the operation of an element of chance; (b) any device or mechanism used for professional gambling which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part

furniture, fixture, construction or installation used for professional gambling. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecruited right of replay on players thereof, which does not contain any mechanical feature which varies the chance of winning free games or the number of free or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls in complete any one operation thereof, shall not be deemed a gambling device. *Provided further*, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing, and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter. *Provided further*, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling. *Provided, however*, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the Federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

- (a) Taking part in or watching a television or radio program or subscribing to a cable television service;
- (b) Filling out a coupon or entry blank or facsimile which is published in a bona fide newspaper, or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program.
- (c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state not more than once a year over a period of not more than 90 days;
- (d) Visitation to any business establishment to obtain coupon, entry blank or proof of purchase;
- (e) Mere registration without purchase of goods or services;
- (f) Expenditure of time, thought, attention and energy in pursuing promotional material; or

(g) Making or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer. *Provided*, That where any drawing is held by or on behalf of in-state retail outlets in connection with

business promotions authorized under subsections (d) and (e) hereof, no in-state retail outlet may conduct more than one such drawing during a calendar year and the period of the drawing and its promotion shall extend for more than seven consecutive days. *Provided further*, That if sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. *Hereinafter* in this chapter, including advertising and promotion, that complies with the federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive a profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles a social game of chance on equal terms with the other participants does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cash or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

- (a) Acting other than as a player or in the manner set forth in section of this act, he knowingly engages in conduct which materially aids a other form of gambling activity; or
- (b) Acting other than as a player, or in the manner set forth in section of this act, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;
- (c) He engages in bookmaking; or
- (d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under section 3 of this act, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia equipment or apparatus therefor, toward the solicitation or inducement persons to participate therein, toward the actual conduct of the play phases thereof, toward the arrangement of any of its financial or record phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in section 3 of this act, and acting other than as a player, and said premises such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling. *Provided*, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins be placed in a specified position or combination of positions, as designated in the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to engaging in "professional gambling" within the meaning of this act. *Provided further*, That the books and records of the game shall be open to public inspection.



(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of the effective date of this chapter, except that such definitions promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Seed card game" shall mean any card game in which success depends upon the knowledge, attention, experience, and skill of the player whereby the elements of chance in any such card game are overcome, improved, or turned to the advantage of said player and in which no percentage of the money is returned to any individual or organization other than the participants.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(21) "Slot device" means a game of chance or game of skill played, usually by four persons, with one hundred thirty-six or one hundred forty-four pieces marked by value and called "tiles" which by various devices and exchanging are built into combinations or acts.

1. 26 U.S.C.A. (11.C.1021) § 1 et seq.

New Section. Sec. 3.

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and social card games including slot devices to utilize punch boards and pull-tabs, and to operate any game when licensed and conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) The legislature hereby authorizes any person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant and to create enterprises including those where slot devices may be played when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(3) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.26 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as an individual and rules and regulations adopted pursuant thereto to be conducted through said amusement games as so licensed and operated to be conducted upon any property of a city of the first class devoted to uses incident to a civic center, world's fair or similar exposition.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, or social card games when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

New Section. Sec. 4.

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of the effective date of this chapter for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; and one member of the commission for a term expiring July 1, 1973; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms. Provided, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining members or members to act, except as in section 5(2) of this act provided.

In addition to the members of the commission there shall initially be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of the effective date of this chapter. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04-120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

New Section. Sec. 5.

(1) Upon appointment of the initial membership the commission shall meet at a time and place designated by the governor and proceed to organize, electing one of such members as chairman of the commission who shall serve until July 1, 1974; thereafter a chairman shall be elected annually.

(2) A majority of the members shall constitute a quorum of the commission. Provided, That all actions of the commission relating to the regulation of licensing under this act shall require an affirmative vote by three or more members of the commission.

(3) The principal office of the commission shall be at the state capital and meetings shall be held at least quarterly and at such other times as may be called by the chairman or upon written request to the chairman of a majority of the commission.

(4) Members shall receive fifty dollars per diem for each day or major portion thereof spent in performance of their duties plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(5) Before entering upon the duties of his office, each of said members of the commission shall enter into a surety bond extended by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which

oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the commission.

(6) Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing; and the decision of such tribunal shall be final. Removal of any member of the commission by the tribunal shall disqualify such member for reappointment.

**New Section. Sec. 6.**

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

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

The payment for legal services and audits as authorized in this section shall be paid upon authorization of the commission from moneys in the gambling revolving fund.

**New Section. Sec. 7.**

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and ~~except card games; including slot machines~~ to utilize punch boards and pull-tabs; ~~and to operate cardrooms in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto;~~ *Provided*, That any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued through-out the incorporated and unincorporated areas of any county, unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity; *Provided further*, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued; *Provided further*, That the commission or director shall not issue, suspend or revoke any license because of considerations of race, creed, color or national origin; *And provided further*, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant and to operate with raffle tickets those where such game may be played in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto; *Provided*, That the commission shall not deny a license to an otherwise

to temporarily issue or suspend licenses subject to final action by the commission;

(3) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto; *Provided*, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

(4) To require that applications for all licenses contain such information as may be required by the commission; *Provided*, That all persons having an interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, and participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity; *Further*, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any persons holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(5) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(6) To require that all income from bingo games, raffles, and amusement games be reported for at the time the income is received from each individual player and that all prizes be reported for at the time the prize is distributed to each individual player and to require that all raffle tickets, consecutively numbered and accounted for; *Provided*, That in lieu of the requirements of this subsection, agentural fairs as defined herein shall report such income not later than thirty days after the termination of said fair.

(7) To regulate and establish maximum limitations on income derived from bingo; *Provided*, That in establishing limitations pursuant to this section the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from non-charitable purposes; (8) To cooperate with and secure the cooperation of county, city and local or state agencies in investigating any matter within the scope of local and state agencies in investigating any matter within the scope of local and state agencies;

(9) In accordance with section 8 of this act, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to administrative procedure act, chapter 21.01 RCW;

(10) To set forth for the benefit of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in section 3 of this act; and

(11) To perform all other matters and things necessary to carry out

## New Section. Sec. 8.

The department of motor vehicles, subject to the approval of the commission, shall employ a full time employee as director respecting gambling activities, who shall be the administrator for the commission in carrying out its powers and duties and who, with the advice and approval of the commission shall issue rules and regulations governing the activities authorized hereunder and shall supervise departmental employees in carrying out the purposes and provisions of this chapter. In addition the department shall make available to the commission such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter. Neither the director nor any departmental employee working therefor shall be an officer or manager of any charitable or nonprofit organization, or of any organization which conducts gambling activity in this state.

## New Section. Sec. 9.

The commission shall, from time to time, make reports to the governor concerning such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature. *Provided*, That the first commission appointed pursuant to section 4 of this act shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this act and shall submit to the session of the legislature convened in September, 1973, if there be one, or, if not, to the session of the legislature convened in January, 1974, a report making specific recommendations as to: (1) Gambling activity that ought to be permitted; (2) Gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the appropriate fee for each type of license and permit; and (5) the type and amount of tax that ought to be applied to each type of permitted gambling activity.

## New Section. Sec. 10.

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 48.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and such employees of the department of motor vehicles as are working therefor, shall be paid from the gambling revolving fund.

## New Section. Sec. 11.

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of

the tax receipts to go to the county, city-county, city, or town so taxing same. *Provided*, That the tax rate established by any county, except for a first class city located therein with respect to such city, shall constitute tax rate throughout such county including both incorporated and unincorporated areas; *Further*, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on single chance thereon, shall be taxed on a basis which shall reflect the percentage of the business in which the punch boards and pull-tabs are displayed and (2) no punch board or pull-tab may award as a prize upon a win number or symbol being drawn the opportunity of taking a chance upon another punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises where any such punch board or pull-tab is located and upon a winning number symbol being drawn, such prize must be immediately removed therefrom, such omission shall be deemed a fraud for the purposes of this chapter; (4) when any person shall win over five dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public card thereof for at least ninety days thereafter containing such information the commission shall deem necessary; *and provided further*, That taxation bingo, raffles and amusement games shall never be in an amount greater than ten percent of the gross revenue received therefrom.

## New Section. Sec. 12.

(1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management or operation of any gambling activity authorized under section 3 of this act, and no person who takes any part in management or operation of any such gambling activity shall take any part in the management or operation of any gambling activity conducted by any other organization or any other branch of the same organization, unless proved by the commission, and no part of the proceeds thereof shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit any specific persons designated in the application for a license, then only such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under section 3 of this act in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percent of the receipts or profits derived from such gambling activity.

## New Section. Sec. 13.

The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under section 3 of this act and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspect and audit at any reasonable time, with or without notice, upon demand, of the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county where located, or the chief of police or his designee of any city or town in which the organization is located, for the purpose of determining compliance or non-compliance with the provisions of this chapter and any rules or regulations adopted pursuant thereto.

The department of revenue shall be provided at such reasonable intervals as the department shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities, together with such other reasonable information as required in order to determine

ordinances relating thereto. Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.

**New Section. Sec. 14.**

For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.

**New Section. Sec. 15.**

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

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

**New Section. Sec. 16.**

Any person who conducts gambling activities without a license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any gambling activity without a license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

**New Section. Sec. 17.**

Whoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or willfully fail to maintain or make any entry required to be maintained or made, or who willfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

**New Section. Sec. 18.**

Any person who knowingly causes, aids, abets, or conspires with another to cause any association or organization to violate any provision of this chapter or of any rule or regulation adopted pursuant to this chapter shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

**New Section. Sec. 19.**

Any person or association or organization operating any gambling activity authorized under section 3 of this act, who or which, directly or indirectly, (1) employ any device, scheme or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, the light of the circumstances under which said statement is made; or (3) Engage in any act, practice or course of operation as would operate a fraud or deceit upon any person; Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or a fine of not more than five thousand dollars, or both.

**New Section. Sec. 20.**

In addition to any other penalty provided for in this chapter, every person directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a director, officer, and/or manager of any association, organization or corporation conducting the same, which charitable, nonprofit, or profit, shall be liable, jointly and severally, for not damages suffered by any person because of any violation of this chapter, other than interest on any such amount of money damages at six percent annum from the date of the loss, and reasonable attorneys' fees. *Provided* That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent such violation from taking place, the burden of proof thereof shall be such director, officer, and/or manager, and if such director, officer and manager shall sustain the burden of proof he shall not be liable hereunder. Any civil action under this section may be considered a class action.

**New Section. Sec. 21.**

It shall be the duty of and all peace officers or law enforcement officials or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter.

**New Section. Sec. 22.**

Whoever engages in professional gambling, or knowingly causes, aids, abets or conspires with another to engage in professional gambling, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both; *Provided, however*, That this section shall not apply to those activities enumerated in section 3 of this act to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

**New Section. Sec. 23.**

(1) All gambling devices as defined in section 2(9) of this act are contraband and shall be subject to seizure, immediately upon detection by a peace officer, and to confiscation and destruction by order of a superior district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in section 2(9) of this act shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting or safekeeping used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of court having jurisdiction, for disposition by public auction or as otherwise provided by law. bona fide liens against property so forfeited, on good faith shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Perforated moneys and other proceeds received from

the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political sub-division or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in section 3 of this act or any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in section 2 of this act or officers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both. Provided, however, That this subsection shall not apply to devices used in those activities enumerated in section 3 of this act, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor. Provided, however, That this subsection shall not apply to records relating to activities enumerated in section 3 of this act or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

New Section. Sec. 24.

Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a gross misdemeanor. Provided, however, That this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities as enumerated in section 3 of this act or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

New Section. Sec. 25.

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

(2) When any property or premise held under a mortgage, contract or leasehold is determined by a court having jurisdiction to be a gambling premises, all rights and interests of the holder therein shall terminate and the owner shall be entitled to immediate possession at his election. Provided, however, That this subsection shall not apply to those premises in which activities set out in section 3 of this act, or any act or acts in furtherance thereof are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(3) When any property or premises for which one or more licenses issued by the commission are in effect, is determined by a court having jurisdic-

tion to be a gambling premise, all such licenses may be voided and no license in effect, and no license so voided shall be issued or renewed for such property or premises for a period of up to sixty days thereafter. Enforcement of this subsection shall be the duty of all peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies. This subsection shall not apply to property or premises in which activities set out in section 3 of this act, or any act or acts in furtherance thereof, are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

New Section. Sec. 26.

Proof of possession of any device used for professional gambling or for record relating to professional gambling specified in section 23 of this act is prima facie evidence of possession thereof with knowledge of its character or contents.

New Section. Sec. 27.

This chapter shall constitute the exclusive legislative authority for the taxing by any city, town, city-county or county of any gambling activity for its application shall be strictly construed to those activities herein enumerated and to those persons, associations or organizations herein permitted to engage therein.

New Section. Sec. 28.

This chapter, constituting exclusive legislative authority for the authorization of any gambling activity by any city, town, city-county or county, any ordinance, resolution or other legislative act by any city, town, city-county or county relating to gambling in existence on the effective date of this chapter shall be null and void and of no effect; any such city, town, city-county or county may thereafter enact such local law as consistent with the provisions of this chapter.

New Section. Sec. 29.

The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.300;
- (2) Section 2, chapter 280, Laws of 1971 ex. sess., section 1, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.310;
- (3) Section 3, chapter 280, Laws of 1971 ex. sess., section 2, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.320;
- (4) Section 4, chapter 280, Laws of 1971 ex. sess., section 3, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.330;
- (5) Section 5, chapter 280, Laws of 1971 ex. sess., section 4, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.340;
- (6) Section 6, chapter 280, Laws of 1971 ex. sess., section 5, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.350;
- (7) Section 7, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.350;
- (8) Section 8, chapter 280, Laws of 1971 ex. sess., section 6, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.370;
- (9) Section 9, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.380;
- (10) Section 10, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.390;
- (11) Section 11, chapter 280, Laws of 1971 ex. sess., section 7, chapter 111, Laws of 1972 ex. sess. and RCW 9.47.400;
- (12) Section 15, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.410;
- (13) Section 19, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.420;
- (14) Section 20, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.430;
- (15) Section 25, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.440;
- (16) Section 38, page 93, Laws of 1971, section 103, page 200, Laws of 1969, section 103, page 205, Laws of 1973, section 913, Code of 1981, section 912, chapter 249, Laws of 1969 and RCW 9.59.020;
- (17) Section 98, page 93, Laws of 1971, section 103, page 200, Laws of 1969, section 103, page 205, Laws of 1973, section 913, Code of 1981, section 913, chapter 249, Laws of 1969 and RCW 9.59.020;

- (18) Section 214, chapter 249, Laws of 1969 and RCW 9.55 . . .
- (19) Section 215, chapter 249, Laws of 1969 and RCW 9.55.01;
- (20) Section 216, chapter 249, Laws of 1969 and RCW 9.59.050; and
- (21) Section 1, chapter 27, Laws of 1923, section 1, chapter 99, Laws of 1967 and RCW 9.47.150;
- (22) Sections 2 and 3, chapter 21, Laws of 1923 and RCW 9.47.169 and 9.47.170; and
- (23) Sections 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060, chapter 15, Laws of 1961 and RCW 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060.

Now Section, Sec. 30.

Sections 1 through 28 of this act shall constitute a new chapter in Title 9 RCW.

Now Section, Sec. 31.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Approved April 26, 1973.

Material in Sections 1, 2, 3 and 7 of Chapter 218, shown by strike-out, was vetoed by the Governor.

DATA PROCESSING FACILITIES--CENTRALIZATION

CHAPTER 219

HOUSE BILL NO. 720

[Material in brackets vetoed]

An Act relating to state government; amending section 1, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.010; amending section 2, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.020; amending section 6, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.060; adding new sections to chapter 43.105 RCW; creating a new section; repealing section 3, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.015; repealing section 1, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.031; repealing section 4, chapter 115, Laws of 1967 ex. sess., section 2, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.040; and declaring an emergency.

As it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.010 are each amended to read as follows:

It is the purpose of this chapter to provide, through the Washington state data processing authority, for the efficient and coordinated utilization of data processing equipment, techniques, and personnel to achieve optimum of effectiveness and economy in collection, storage, interchange, retrieval, processing, and transmission of information; to authorize development, implementation, and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing; and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive, and judicial branches of state and local government.

Now Section, Sec. 2. There is added to chapter 43.105 RCW a new section to read as follows:

It is the intention of the legislature that this chapter shall form the basis for the formulation of a long range state automated data processing plan to satisfy the requirements of the legislative, executive, and judicial branches of state government. Each legislative, executive, and judicial agency or state government shall study and define its associated data processing requirements in order that the plan allow for the necessary requirements of each branch. All agencies of state government are required to cooperate with and support the development and implementation of this plan. To effectuate this intention, the state data processing authority shall have the authority to direct and require the submittal of data from all state agencies, including data from the state auditor, concerning local government agencies. In addition, the state auditor shall conduct a fiscal-year audit of the completion of the tasks for the authority specified by section 7 of this 1973 amendatory act, and the legislative budget committee, or its successor, shall conduct performance audit of such tasks.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.021 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Authority" means the Washington state data processing authority created by section 5 of this 1973 amendatory act;
- (2) "Automatic data processing" means that method of processing information using punch card (PAC) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;
- (3) "Local government agencies" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the executive director of the authority;
- (5) "State agency" means all offices, departments, agencies, institutions, and commissions of state government;
- (6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective;
- (7) "Applications system" means a computerized system which accomplishes a specific objective (i. e., a payroll system or an inventory system).

Now Section, Sec. 4. There is added to chapter 43.105 RCW a new section to read as follows:

The data processing advisory committee created by section 1, chapter 219, Laws of 1969 ex. sess. is hereby abolished. The staff of such committee and the data processing coordinator and his staff from the office of program planning and fiscal management shall be transferred to the authority, along with such records, files, data, materials, equipment, and supplies as they may possess, within ninety days of the effective date of this 1973 amendatory act.

Now Section, Sec. 5. There is added to chapter 43.105 RCW a new section to read as follows:

There is hereby created the Washington state data processing authority consisting of seven members appointed by the governor, and serving at his pleasure or for terms of two members who are directors or general supervisors in state government, the lieutenant governor, the state commissioner of public health, the state auditor, the state superintendent of public instruction, the state secretary of state, and one member representing higher education, as these positions exist, or their successors. The governor shall make such appointments within thirty days after the effective date of this 1973 amendatory act.