



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Scott Eisenhauer, State Chairman
Name of Organization Ducks Unlimited Washington
Mailing Address 19727 SE Petrovitsky Road
City Maple Valley State WA Zip Code 98038
Telephone (425) 891-0964 Email majike@msn.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClint.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Gambling Commission

1. NEW RULE - I am requesting the agency to adopt a new rule.
- The subject (or purpose) of this rule is: _____
- The rule is needed because: _____
- The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 230-11-087

I am requesting the following change: See Attached.

This change is needed because: See Attached.

The effect of this rule change will be: See Attached.

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

PETITION FOR AMENDMENT

Scott Eisenhauer
State Chairman
Ducks Unlimited Washington
19727 SE Petrovitsky Rd.
Maple Valley, WA 98038

May 22, 2017

Washington State Gambling Commission
ATTN: Rules Coordinator
P.O. Box 42400
Olympia, WA 98504-2400

SENT VIA REGISTERED MAIL, ELECTRONIC MAIL, AND FACSIMILE

Re: Petition for Amendment of WAC 230-11-087

Dear Sir or Ma'am:

On behalf of the nearly 12,000 members of Ducks Unlimited ("DU") in Washington state, I respectfully submit the below information in support of this Petition for Amendment of WAC 230-11-087. This Petition for Amendment is submitted pursuant to RCW 34.05.330.

Identity of Petitioners

Founded in 1937 by Joseph Knapp, DU is a 501(c)(3) nonprofit corporation dedicated to conserving, restoring, and managing wetlands and associated habitats for North America's waterfowl. DU has a worldwide membership of approximately 700,000 individuals dedicated to this purpose. Complete information on DU's history and mission may be found here: <http://www.ducks.org>.

Petition for Amendment of WAC 230-11-087

I am requesting the following change (continued):

DU respectfully requests that the Washington State Gambling Commission ("WSGC") amend WAC 230-11-087(2)(b) to increase the maximum value of a raffle ticket sold as part of a members-only raffle from \$25.00 to \$100.00.

The change is needed because (continued):

This amendment is necessary because it increases predictability for licensees that a members-only raffle, which involves selling tickets as part of a multi-component package, will result in a net profit for the licensee. By raising the maximum price of a raffle ticket from \$25.00 to \$100.00 for raffle packages containing multiple components, the proceeds of the raffle are far more likely to exceed the fair market value of the awarded prizes.

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The text of the rule as it currently exists is as follows:

WAC 230-11-087

Other pricing plans for members-only raffles

- (1) Licensees may sell multiple tickets to enter one or more drawings as a package if the total price of the package does not exceed twenty-five dollars.
- (2) Licensees may include tickets to enter a raffle as a part of a package that includes dues, entertainment, or other fund-raising activities if:
 - (a) The package discloses the value of each component of the package to the purchaser; and
 - (b) The value of each individual raffle ticket does not exceed twenty-five dollars.

The proposed amended rule is as follows:

WAC 230-11-087

Other pricing plans for members-only raffles

- (1) Licensees may sell multiple tickets to enter one or more drawings as a package if the total price of the package does not exceed twenty-five dollars.
- (2) Licensees may include tickets to enter a raffle as a part of a package that includes dues, entertainment, or other fund-raising activities if:
 - (a) The package discloses the value of each component of the package to the purchaser; and
 - (b) The value of each individual raffle ticket does not exceed ~~twenty-five~~ *one hundred* dollars.

At least three reasons directly support the proposed rule change. First, the amendment increases licensee predictability that a raffle conducted pursuant to WAC 230-11-087 will ultimately be profitable. In DU's case, this issue is acutely observed when conducting the DU sponsor board raffles. These raffles typically involve the sale of a ticket as part of a package pursuant to WAC 230-11-087, with winners usually receiving a firearm. Historically, the package included an opportunity for DU members to pay a portion of their existing dues or pledged support. The relatively small number of tickets purchased for the sponsor board raffles, combined with the relatively high value of the prizes awarded, results in the individual sponsor board raffle potentially being unprofitable. The proposed rule change is designed to address the issue for DU and other similarly-situated charitable or nonprofit organizations

Second, amending the provision as specified above promotes regulatory conformity in that it brings the amended WAC 230-11-087 into conformity with the \$100.00 maximum raffle ticket price limitation found at WAC 230-11-014. Such an amendment simplifies the rules applicable to raffles, thereby assisting licensees in ensuring compliance. Additionally, such an amendment

PETITION FOR AMENDMENT

facilitates the legislative authorization and intent found in RCW 9.46.010 and 9.46.0311 regarding raffle activities for nonprofit organizations.

Third, an increase in the maximum value of raffle tickets sold as part of a package is overdue, at least in part, as a standard adjustment for inflation. The \$25.00 limitation was first imposed in 1998, and, based upon research conducted to date, does not appear to have been adjusted since that date.

The effect of this rule change will be (continued):

The effect of the proposed rule change is that a raffle ticket may be sold for \$100.00 under WAC 230-11-087 as part of a package that includes other component, such as dues. This change would likely increase the revenue received from the raffle, thereby increasing the likelihood that the raffle will ultimately be profitable in light of the firearms (or other prizes) that are awarded.

The rule is not clearly or simply stated (continued):

DU believes the rule, as currently drafted, is sufficiently clear and simply stated. The proposed amendment to WAC 230-11-087 seeks only to change the specific dollar amount specified under the rule.

Additional factors under RCW 34.05.330:

RCW 34.05.330 encourages petitioners seeking repeal or amendment of an administrative rule to address a series of issues. The considerations identified in RCW 34.05.330, and DU's responses, are as follows:

- (1) Whether the rule is authorized.

DU response: *DU believes that the proposed amendment to the rule is authorized pursuant to RCW 9.46.070 and other existing statutory provisions.*

- (2) Whether the rule is needed.

DU response: *As articulated above, DU believes the amended rule is necessary to promote predictability for licensees, promote regulatory conformity with WAC 230-11-014, and reflect a periodic adjustment for inflation.*

- (3) Whether the rule conflicts with or duplicates other federal, state, or local laws.

DU response: *DU is unaware of any conflicts or duplication created by the proposed amended WAC 230-11-087.*

- (4) Whether alternatives to the rule exist that will serve the same purpose at less cost.

DU response: *DU has researched and proposed a regulatory interpretation under the existing version of WAC 230-11-087 that would address the concerns stated in this Petition for Amendment. Consultations with WSGC staff have occurred, and it is believed that the proposed amended WAC 230-11-087 satisfactorily addresses the concerns identified herein.*

PETITION FOR AMENDMENT

- (5) Whether the rule applies differently to public and private entities.
DU response: *WAC 230-11-087 applies only to members-only raffles conducted by nonprofit or charitable organizations.*
- (6) Whether the rule serves the purposes for which it was adopted.
DU response: *The proposed amended WAC 230-11-087 supports the legislative authorization and intent articulated at RCW 9.46.010 and RCW 9.46.0311.*
- (7) Whether the costs imposed by the rule are unreasonable.
DU response: *Any costs associated with the proposed amended WAC 230-11-087 are believed to be minimal or non-existent.*
- (8) Whether the rule is clearly and simply stated.
DU response: *As articulated above, DU believes the existing WAC 230-11-087 is clearly and simply stated, and seeks only to amend the specified maximum value of the raffle ticket. DU believes the proposed amended rule is clearly and simply stated.*
- (9) Whether the rule is different than a federal law applicable to the same activity or subject matter without adequate justification.
DU response: *DU is unaware of any substantive difference with federal laws or regulations on this subject matter.*
- (10) Whether the rule was adopted according to all applicable provisions of law.
DU response: *DU does not contend the existing version of WAC 230-11-087 was improperly adopted.*

Conclusion

Thank you for your consideration. Please do not hesitate to contact me if you have any questions or concerns. I may be reached at (425) 891-0964 or majike@msn.com. Alternatively, you may contact Hunter Abell at Williams Kastner & Gibbs at (206) 253-2885.

Very truly yours,



Scott Eisenhauer
State Chairman
Ducks Unlimited Washington

cc: John Tierney
Dave Marrone
Hunter Abell