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You are receiving this notice because you commented on these proposed rule changes:

### **Notice of Permanent Rules to Allow Evaluation of Electronic or Mechanical Gambling Equipment During Rule-making**

**This explanatory statement concerns the Washington State Gambling Commission's adoption of: WAC 230-17-192.**

The Administrative Procedure Act ([RCW 34.05.325\(6\)](#)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule-making.

Once persons who gave comment during this rule-making have had an opportunity to receive this document, the Washington State Gambling Commission will file the new rules with the Office of the Code Reviser. These changes will become effective 31 days after filing on approximately February 24, 2018.

The Washington State Gambling Commission appreciates your involvement in the rule-making process. If you have any questions, please contact Brian Considine, Legal and Legislative Manager, at [brian.considine@wsgc.wa.gov](mailto:brian.considine@wsgc.wa.gov) or at (360) 486-3469.

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#### **What are the agency's reasons for adopting this rule?**

This rule change allows staff to request and evaluate equipment during the rule-making process. A review of the gambling equipment as part of the rule-making process allows staff to:

- Have a clear understanding of how the equipment works;
- Address Regulatory guidelines during the rule-making process; and
- Draft and implement a more effective rules as result of understanding how the gambling equipment operates.

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#### **Summary of all public comments received on this rule proposal and consideration of the comments. If we responded to comments, add our response and how the final rule reflects consideration of the comments or why it fails to do so.**

Victor Mena – Testified at the September commission meeting with concerns this new rule would be costly for small manufacturers and inhibit new gambling equipment and games in the

state. Staff explained that this rule does not impact the current gambling equipment approval process and would only apply to new gambling devices or equipment being introduced into the state. When asked again in October, Mr. Mena no longer had concerns.

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**If there are variances from the proposed rule and final adopted rule, state the reasons for the differences (RCW 34.05.325(6)(a)(ii)).**

Rule was amended from the originally filed rule to clarify the process. Specifically, the title of the rule was shortened and language was removed and changed in Section (1) to clarify when a manufacturer is required to submit electronic or mechanical gambling equipment for evaluation during rule-making. The language change was discussed at the September and October 2017 Commission meetings. This rule option was also posted on our website at least one week prior to each of the Commission meetings listed above. This final version was discussed at the November 2017 Commission meeting and up for final action at the January 2018 Commission meeting when the Commissioners filed this final version of the rule change.