

2 ESHB 2676 - S AMD - 000369

3 By Senator Quigley

4 WITHDRAWN 3/8/94

5 On page 177, after line 36, insert the following:

6 "Sec. 872. RCW 66.04.010 and 1991 c 192 s 1 are each amended to  
7 read as follows:

8 In this title, unless the context otherwise requires:

9 (1) "Agency" means the liquor control agency, the state agency  
10 established under section 2 of this act.

11 (2) "Alcohol" is that substance known as ethyl alcohol, hydrated  
12 oxide of ethyl, or spirit of wine, which is commonly produced by the  
13 fermentation or distillation of grain, starch, molasses, or sugar, or  
14 other substances including all dilutions and mixtures of this  
15 substance. The term "alcohol" does not include alcohol in the  
16 possession of a manufacturer or distiller of alcohol fuel, as described  
17 in RCW 66.12.130, which is intended to be denatured and used as a fuel  
18 for use in motor vehicles, farm implements, and machines or implements  
19 of husbandry.

20 ((+2)) (3) "Beer" means any malt beverage or malt liquor as these  
21 terms are defined in this chapter.

22 ((+3)) (4) "Board" means the liquor control review board comprised  
23 of five individuals appointed by the governor to conduct hearings on  
24 appeals of certain actions of the director.

25 (5) "Brewer" means any person engaged in the business of  
26 manufacturing beer and malt liquor.

27 ~~((4) "Board" means the liquor control board, constituted under~~  
28 ~~this title.~~

29 (+5)) (6) "Club" means an organization of persons, incorporated or  
30 unincorporated, operated solely for fraternal, benevolent, educational,  
31 athletic or social purposes, and not for pecuniary gain.

32 ((+6)) (7) "Consume" includes the putting of liquor to any use,  
33 whether by drinking or otherwise.

34 ((+7)) (8) "Dentist" means a practitioner of dentistry duly and  
35 regularly licensed and engaged in the practice of his or her profession  
36 within the state pursuant to chapter 18.32 RCW.

1       (~~(8)~~) (9) "Director" means the director of the liquor control  
2 agency.

3       (10) "Distiller" means a person engaged in the business of  
4 distilling spirits.

5       (~~(9)~~) (11) "Druggist" means any person who holds a valid  
6 certificate and is a registered pharmacist and is duly and regularly  
7 engaged in carrying on the business of pharmaceutical chemistry  
8 pursuant to chapter 18.64 RCW.

9       (~~(10)~~) (12) "Drug store" means a place whose principal business  
10 is, the sale of drugs, medicines and pharmaceutical preparations and  
11 maintains a regular prescription department and employs a registered  
12 pharmacist during all hours the drug store is open.

13       (~~(11)~~) (13) "Employee" means any person employed by the (~~board~~)  
14 director, including a vendor, as hereinafter in this section defined.

15       (~~(12)~~) (14) "Fund" means 'liquor revolving fund.'

16       (~~(13)~~) (15) "Hotel" means every building or other structure kept,  
17 used, maintained, advertised or held out to the public to be a place  
18 where food is served and sleeping accommodations are offered for pay to  
19 transient guests, in which twenty or more rooms are used for the  
20 sleeping accommodation of such transient guests and having one or more  
21 dining rooms where meals are served to such transient guests, such  
22 sleeping accommodations and dining rooms being conducted in the same  
23 building and buildings, in connection therewith, and such structure or  
24 structures being provided, in the judgment of the (~~board~~) director,  
25 with adequate and sanitary kitchen and dining room equipment and  
26 capacity, for preparing, cooking and serving suitable food for its  
27 guests: PROVIDED FURTHER, That in cities and towns of less than five  
28 thousand population, the (~~board~~) director shall have authority to  
29 waive the provisions requiring twenty or more rooms.

30       (~~(14)~~) (16) "Imprisonment" means confinement in the county jail.

31       (~~(15)~~) (17) "Liquor" includes the four varieties of liquor herein  
32 defined (alcohol, spirits, wine and beer), and all fermented,  
33 spirituous, vinous, or malt liquor, or combinations thereof, and mixed  
34 liquor, a part of which is fermented, spirituous, vinous or malt  
35 liquor, or otherwise intoxicating; and every liquid or solid or  
36 semisolid or other substance, patented or not, containing alcohol,  
37 spirits, wine or beer, and all drinks or drinkable liquids and all  
38 preparations or mixtures capable of human consumption, and any liquid,  
39 semisolid, solid, or other substance, which contains more than one

1 percent of alcohol by weight shall be conclusively deemed to be  
2 intoxicating. Liquor does not include confections or food products  
3 that contain one percent or less of alcohol by weight.

4 ~~((16))~~ (18) "Manufacturer" means a person engaged in the  
5 preparation of liquor for sale, in any form whatsoever.

6 ~~((17))~~ (19) "Malt beverage" or "malt liquor" means any beverage  
7 such as beer, ale, lager beer, stout, and porter obtained by the  
8 alcoholic fermentation of an infusion or decoction of pure hops, or  
9 pure extract of hops and pure barley malt or other wholesome grain or  
10 cereal in pure water containing not more than eight percent of alcohol  
11 by weight, and not less than one-half of one percent of alcohol by  
12 volume. For the purposes of this title, any such beverage containing  
13 more than eight percent of alcohol by weight shall be referred to as  
14 "strong beer."

15 ~~((18))~~ (20) "Package" means any container or receptacle used for  
16 holding liquor.

17 ~~((19))~~ (21) "Permit" means a permit for the purchase of liquor  
18 under this title.

19 ~~((20))~~ (22) "Person" means an individual, copartnership,  
20 association, or corporation.

21 ~~((21))~~ (23) "Physician" means a medical practitioner duly and  
22 regularly licensed and engaged in the practice of his or her profession  
23 within the state pursuant to chapter 18.71 RCW.

24 ~~((22))~~ (24) "Prescription" means a memorandum signed by a  
25 physician and given by him or her to a patient for the obtaining of  
26 liquor pursuant to this title for medicinal purposes.

27 ~~((23))~~ (25) "Public place" includes streets and alleys of  
28 incorporated cities and towns; state or county or township highways or  
29 roads; buildings and grounds used for school purposes; public dance  
30 halls and grounds adjacent thereto; those parts of establishments where  
31 beer may be sold under this title, soft drink establishments, public  
32 buildings, public meeting halls, lobbies, halls and dining rooms of  
33 hotels, restaurants, theatres, stores, garages and filling stations  
34 which are open to and are generally used by the public and to which the  
35 public is permitted to have unrestricted access; railroad trains,  
36 stages, and other public conveyances of all kinds and character, and  
37 the depots and waiting rooms used in conjunction therewith which are  
38 open to unrestricted use and access by the public; publicly owned  
39 bathing beaches, parks, and/or playgrounds; and all other places of

1 like or similar nature to which the general public has unrestricted  
2 right of access, and which are generally used by the public.

3 ~~((24))~~ (26) "Regulations" or "rules" means ~~((regulations made))~~  
4 rules adopted under chapter 34.05 RCW by the ~~((board))~~ agency under the  
5 powers conferred by this title.

6 ~~((25))~~ (27) "Restaurant" means any establishment provided with  
7 special space and accommodations where, in consideration of payment,  
8 food, without lodgings, is habitually furnished to the public, not  
9 including drug stores and soda fountains.

10 ~~((26))~~ (28) "Sale" and "sell" include exchange, barter, and  
11 traffic; and also include the selling or supplying or distributing, by  
12 any means whatsoever, of liquor, or of any liquid known or described as  
13 beer or by any name whatever commonly used to describe malt or brewed  
14 liquor or of wine, by any person to any person; and also include a sale  
15 or selling within the state to a foreign consignee or his or her agent  
16 in the state. "Sale" and "sell" shall not include the giving, at no  
17 charge, of a reasonable amount of liquor by a person not licensed by  
18 the ~~((board))~~ agency to a person not licensed by the ~~((board))~~ agency,  
19 for personal use only. "Sale" and "sell" also does not include a  
20 raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit  
21 organization conducting the raffle has obtained the appropriate permit  
22 from the ~~((board))~~ agency.

23 ~~((27))~~ (29) "Soda fountain" means a place especially equipped  
24 with apparatus for the purpose of dispensing soft drinks, whether mixed  
25 or otherwise.

26 ~~((28))~~ (30) "Spirits" means any beverage which contains alcohol  
27 obtained by distillation, including wines exceeding twenty-four percent  
28 of alcohol by volume.

29 ~~((29))~~ (31) "Store" means a state liquor store established under  
30 this title.

31 ~~((30))~~ (32) "Tavern" means any establishment with special space  
32 and accommodation for sale by the glass and for consumption on the  
33 premises, of beer, as herein defined.

34 ~~((31))~~ (33) "Vendor" means a person employed by the ~~((board))~~  
35 agency as a store manager under this title.

36 ~~((32))~~ (34) "Winery" means a business conducted by any person for  
37 the manufacture of wine for sale, other than a domestic winery.

38 ~~((33))~~ (35) "Domestic winery" means a place where wines are  
39 manufactured or produced within the state of Washington.

1       (~~(34)~~) (36) "Wine" means any alcoholic beverage obtained by  
2 fermentation of fruits (grapes, berries, apples, et cetera) or other  
3 agricultural product containing sugar, to which any saccharine  
4 substances may have been added before, during or after fermentation,  
5 and containing not more than twenty-four percent of alcohol by volume,  
6 including sweet wines fortified with wine spirits, such as port,  
7 sherry, muscatel and angelica, not exceeding twenty-four percent of  
8 alcohol by volume and not less than one-half of one percent of alcohol  
9 by volume. For purposes of this title, any beverage containing no more  
10 than fourteen percent of alcohol by volume when bottled or packaged by  
11 the manufacturer shall be referred to as "table wine," and any beverage  
12 containing alcohol in an amount more than fourteen percent by volume  
13 when bottled or packaged by the manufacturer shall be referred to as  
14 "fortified wine." However, "fortified wine" shall not include: (a)  
15 Wines that are both sealed or capped by cork closure and aged two years  
16 or more; and (b) wines that contain more than fourteen percent alcohol  
17 by volume solely as a result of the natural fermentation process and  
18 that have not been produced with the addition of wine spirits, brandy,  
19 or alcohol.

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

22       (~~(35)~~) (37) "Beer wholesaler" means a person who buys beer from  
23 a brewer or brewery located either within or beyond the boundaries of  
24 the state for the purpose of selling the same pursuant to this title,  
25 or who represents such brewer or brewery as agent.

26       (~~(36)~~) (38) "Wine wholesaler" means a person who buys wine from  
27 a vintner or winery located either within or beyond the boundaries of  
28 the state for the purpose of selling the same not in violation of this  
29 title, or who represents such vintner or winery as agent.

30       "NEW SECTION. **Sec. 873.** A new section is added to chapter 66.08  
31 RCW to read as follows:

32       There is an agency of state government known as the "Washington  
33 state liquor control agency."

34       The executive head of the liquor control agency is the director.  
35 The director is appointed by, and serves at the pleasure of, the  
36 governor. The appointment of the director is subject to confirmation  
37 by the senate. The director is paid a salary to be fixed by the  
38 governor in accordance with RCW 43.03.040. The director shall have:

1 (1) At least five years of demonstrated successful business or public  
2 management experience; (2) demonstrable competence in establishing and  
3 using management information systems; and (3) a demonstrated  
4 understanding of distribution and retail sales operations and the  
5 relevance of that knowledge to the Washington's controlled sales  
6 environment.

7 "NEW SECTION. Sec. 874. All powers, duties, and functions vested  
8 by law in the liquor control board are transferred to the director of  
9 the liquor control agency, except those powers, duties, and functions  
10 which are expressly assigned to the liquor control review board. This  
11 transfer shall take place July 1, 1995. This act does not create a new  
12 agency, but establishes the Washington state liquor control review  
13 board and provides for a new administrative structure within the  
14 renamed agency.

15 "NEW SECTION. Sec. 875. A new section is added to chapter 66.08  
16 RCW to read as follows:

17 There shall be a right of appeal of decisions of the director made  
18 under RCW 66.24.010, on decisions made under the authority granted to  
19 the director under RCW 66.08.030(2)(a), on decisions made under chapter  
20 66.44 RCW, or on decisions made under section 9(9) of this act. These  
21 appeals shall be heard by the liquor control review board.

22 The final decision of the liquor control review board shall be an  
23 adjudicative proceeding and subject to the applicable provisions of  
24 chapter 34.05 RCW.

25 "Sec. 876. RCW 66.08.012 and 1961 c 307 s 7 are each amended to  
26 read as follows:

27 ~~((There shall be a board, known as the "Washington state liquor control  
28 board," consisting of three))~~ The liquor control review board shall  
29 consist of five members, to be appointed by the governor, with the  
30 consent of the senate, ~~((who shall))~~ to serve six-year staggered terms.  
31 Each member shall be ~~((paid an annual salary to be fixed by the  
32 governor in accordance with the provisions of RCW 43.03.040))~~  
33 compensated in accordance with RCW 43.03.250 and shall be reimbursed  
34 for travel expenses in accordance with RCW 43.03.050 and 43.03.060.  
35 The governor may, in his or her discretion, appoint one of the members  
36 as ~~((chairman))~~ chair of the board, and a majority of the members shall

1 constitute a quorum of the board. The board shall meet to hear appeals  
2 on licensing decisions made under RCW 66.24.010, on decisions made  
3 under the authority granted by RCW 66.08.030(2)(a), on decisions made  
4 under chapter 66.44 RCW, or on decisions made under section 9(9) of  
5 this act.

6 "Sec. 877. RCW 66.08.014 and 1986 c 105 s 1 are each amended to  
7 read as follows:

8 (1) The members of the board (~~((to be appointed after December 2,~~  
9 ~~1948))~~) shall be appointed for terms beginning (~~((January 15, 1949))~~) July  
10 1, 1995, and expiring as follows: (~~((One member))~~) Two members of the  
11 board for (~~((a))~~) terms of (~~((three))~~) two years from (~~((January 15, 1949;~~  
12 ~~one member))~~) July 1, 1995; two members of the board for (~~((a))~~) terms of  
13 (~~((six))~~) four years from (~~((January 15, 1949))~~) July 1, 1995; and one  
14 member of the board for a term of (~~((nine))~~) six years from (~~((January 15,~~  
15 ~~1949))~~) July 1, 1995. Each of the members of the board appointed  
16 hereunder shall hold office until his or her successor is appointed and  
17 qualified. (~~((After June 11, 1986, the term that began on January 15,~~  
18 ~~1985, will end on January 15, 1989, the term beginning on January 15,~~  
19 ~~1988, will end on January 15, 1993, and the term beginning on January~~  
20 ~~15, 1991, will end on January 15, 1997.))~~) Thereafter, upon the  
21 expiration of the term of any member appointed after (~~((June 11, 1986))~~)  
22 July 1, 1995, each succeeding member of the board shall be appointed  
23 and hold office for the term of six years. In case of a vacancy, it  
24 shall be filled by appointment by the governor for the unexpired  
25 portion of the term in which said vacancy occurs. No vacancy in the  
26 membership of the board shall impair the right of the remaining member  
27 or members to act, except as herein otherwise provided.

28 (2) The principal office of the board shall be at the state  
29 capitol(~~((, and it may establish such other offices as it may deem~~  
30 ~~necessary))~~).

31 (3) Any member of the board may be removed for inefficiency,  
32 malfeasance or misfeasance in office, upon specific written charges  
33 filed by the governor, who shall transmit such written charges to the  
34 member accused and to the chief justice of the supreme court. The  
35 chief justice shall thereupon designate a tribunal composed of three  
36 judges of the superior court to hear and adjudicate the charges. Such  
37 tribunal shall fix the time of the hearing, which shall be public, and  
38 the procedure for the hearing, and the decision of such tribunal shall

1 be final and not subject to review by the supreme court. Removal of  
2 any member of the board by the tribunal shall disqualify such member  
3 for reappointment.

4 ~~((4) Each member of the board shall devote his entire time to the  
5 duties of his office and no member of the board shall hold any other  
6 public office. Before entering upon the duties of his office, each of  
7 said members of the board shall enter into a surety bond executed by a  
8 surety company authorized to do business in this state, payable to the  
9 state of Washington, to be approved by the governor in the penal sum of  
10 fifty thousand dollars conditioned upon the faithful performance of his  
11 duties, and shall take and subscribe to the oath of office prescribed  
12 for elective state officers, which oath and bond shall be filed with  
13 the secretary of state. The premium for said bond shall be paid by the  
14 board.))~~

15 **"Sec. 878.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended  
16 to read as follows:

17 The administration of this title, including the general control,  
18 management, and supervision of all liquor stores, shall be vested in  
19 the ~~((liquor control board, constituted under this title.))~~ director,  
20 who shall carry out this administrative function in accordance with the  
21 rules adopted under this title.

22 In addition to any other powers granted or transferred to the  
23 director, the director shall have the following powers and duties as  
24 may be necessary to carry out the purposes of this title:

25 (1) Supervise and administer the operations of the liquor control  
26 agency in accordance with the provisions of this title;

27 (2) Appoint personnel and prescribe their duties;

28 (3) Enter into contracts on behalf of the agency;

29 (4) Accept and expend donations, grants, or other funds;

30 (5) Delegate powers, duties, and functions of the liquor control  
31 agency to employees of the agency as the director deems necessary to  
32 ensure efficient administration;

33 (6) Appoint advisory committees and undertake studies, research,  
34 and analysis necessary to support activities of the agency;

35 (7) Perform such other duties as are consistent with this title;  
36 and

37 (8) The director may summarily suspend a license or permit for a  
38 period of up to thirty days without a prior hearing if he or she finds



1 that public health, safety, or welfare imperatively require emergency  
2 action, and incorporates a finding to that effect in his or her order;  
3 and proceedings for revocation or other action must be promptly  
4 instituted and determined.

5 "Sec. 879. RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended  
6 to read as follows:

7 (1) For the purpose of carrying into effect the provisions of this  
8 title according to their true intent or of supplying any deficiency  
9 therein, the ~~((board may make such regulations))~~ liquor control review  
10 board may adopt those rules not inconsistent with the spirit of this  
11 title as are deemed necessary or advisable. All ~~((regulations))~~ rules  
12 so made shall be a public record and shall be filed in the office of  
13 the code reviser, and thereupon shall have the same force and effect as  
14 if incorporated in this title. Such ~~((regulations))~~ rules, together  
15 with a copy of this title, shall be published in pamphlets and shall be  
16 distributed as directed by the ~~((board))~~ liquor control review board.

17 (2) The liquor control review board shall adopt rules applicable to  
18 adjudicative proceedings that are subject to the applicable provisions  
19 of chapter 34.05 RCW as provided in (a), (b), and (c) of this  
20 subsection.

21 (a) An opportunity for a hearing may be provided an applicant for  
22 the reissuance of a permit or license prior to the disposition of the  
23 application, and if no such opportunity for a prior hearing is provided  
24 then an opportunity for a hearing to reconsider the application must be  
25 provided the applicant.

26 (b) An opportunity for a hearing must be provided a permittee or  
27 licensee prior to a revocation or modification of any permit or license  
28 and, except as provided in RCW 66.08.020(8), prior to the suspension of  
29 any permit or license.

30 (c) No hearing shall be required until demanded by the applicant,  
31 permittee, or licensee.

32 (3) Without thereby limiting the generality of the provisions  
33 contained in subsection (1) of this section, it is declared that the  
34 power of the ~~((board to make regulations))~~ liquor control review board  
35 to adopt rules in the manner set out in that subsection shall extend  
36 to:

37 (a) ~~((regulating the equipment and management of stores and~~  
38 ~~warehouses in which state liquor is sold or kept, and prescribing the~~

1 ~~books and records to be kept therein and the reports to be made thereon~~  
2 ~~to the board;~~

3 ~~(b) prescribing the duties of the employees of the board, and~~  
4 ~~regulating their conduct in the discharge of their duties;~~

5 ~~(c))~~ Governing the purchase of liquor by the state and the  
6 furnishing of liquor to stores established under this title;

7 ~~((d))~~ (b) Determining the classes, varieties, and brands of  
8 liquor to be kept for sale at any store;

9 ~~((e))~~ (c) Prescribing, subject to RCW 66.16.080, the hours during  
10 which the state liquor stores shall be kept open for the sale of  
11 liquor;

12 ~~((f))~~ (d) Providing for the issuing and distributing of price  
13 lists showing the price to be paid by purchasers for each variety of  
14 liquor kept for sale under this title;

15 ~~((g))~~ (e) Prescribing an official seal and official labels and  
16 stamps and determining the manner in which they shall be attached to  
17 every package of liquor sold or sealed under this title, including the  
18 prescribing of different official seals or different official labels  
19 for different classes of liquor;

20 ~~((h))~~ (f) Providing for the payment by the ((board)) liquor  
21 control agency in whole or in part of the carrying charges on liquor  
22 shipped by freight or express;

23 ~~((i))~~ (g) Prescribing forms to be used for purposes of this title  
24 or the ((regulations)) rules, and the terms and conditions to be  
25 contained in permits and licenses issued under this title;

26 ~~((j))~~ (h) Prescribing the fees payable in respect of permits and  
27 licenses issued under this title for which no fees are prescribed in  
28 this title, and prescribing the fees for anything done or permitted to  
29 be done under the ((regulations)) rules;

30 ~~((k))~~ (i) Prescribing the kinds and quantities of liquor which  
31 may be kept on hand by the holder of a special permit for the purposes  
32 named in the permit, regulating the manner in which the same shall be  
33 kept and disposed of, and providing for the inspection of the same at  
34 any time at the instance of the ((board)) director;

35 ~~((l))~~ (j) Regulating the sale of liquor kept by the holders of  
36 licenses which entitle the holder to purchase and keep liquor for sale;

37 ~~((m))~~ (k) Prescribing the records of purchases or sales of liquor  
38 kept by the holders of licenses, and the reports to be made thereon to

1 the (~~(b)~~) agency, and providing for inspection of the records so  
2 kept;

3 (~~(n)~~) (l) Prescribing the kinds and quantities of liquor for  
4 which a prescription may be given, and the number of prescriptions  
5 which may be given to the same patient within a stated period;

6 (~~(o)~~) (m) Prescribing the manner of giving and serving notices  
7 required by this title or the (~~(regulations)~~) rules, where not  
8 otherwise provided for in this title;

9 (~~(p)~~) (n) Regulating premises in which liquor is kept for export  
10 from the state, or from which liquor is exported, prescribing the books  
11 and records to be kept therein and the reports to be made thereon to  
12 the (~~(b)~~) agency, and providing for the inspection of the premises  
13 and the books, records and the liquor so kept;

14 (~~(q)~~) (o) Prescribing the conditions and qualifications requisite  
15 for the obtaining of club licenses and the books and records to be kept  
16 and the returns to be made by clubs, prescribing the manner of  
17 licensing clubs in any municipality or other locality, and providing  
18 for the inspection of clubs;

19 (~~(r)~~) (p) Prescribing the conditions, accommodations and  
20 qualifications requisite for the obtaining of licenses to sell beer and  
21 wines, and regulating the sale of beer and wines thereunder;

22 (~~(s)~~) (q) Specifying and regulating the time and periods when,  
23 and the manner, methods and means by which manufacturers shall deliver  
24 liquor within the state; and the time and periods when, and the manner,  
25 methods and means by which liquor may lawfully be conveyed or carried  
26 within the state;

27 (~~(t)~~) (r) Providing for the making of returns by brewers of their  
28 sales of beer shipped within the state, or from the state, showing the  
29 gross amount of such sales and providing for the inspection of brewers'  
30 books and records, and for the checking of the accuracy of any such  
31 returns;

32 (~~(u)~~) (s) Providing for the making of returns by the wholesalers  
33 of beer whose breweries are located beyond the boundaries of the state;

34 (~~(v)~~) (t) Providing for the making of returns by any other liquor  
35 manufacturers, showing the gross amount of liquor produced or  
36 purchased, the amount sold within and exported from the state, and to  
37 whom so sold or exported, and providing for the inspection of the  
38 premises of any such liquor manufacturers, their books and records, and  
39 for the checking of any such return;

1       (~~(w)~~) (u) Providing for the giving of fidelity bonds by any or  
2 all of the employees of the (~~board~~) liquor control agency: PROVIDED,  
3 That the premiums therefor shall be paid by the (~~board~~) agency;

4       (~~(x)~~) (v) Providing for the shipment by mail or common carrier of  
5 liquor to any person holding a permit and residing in any unit which  
6 has, by election pursuant to this title, prohibited the sale of liquor  
7 therein;

8       (~~(y)~~) (w) Prescribing methods of manufacture, conditions of  
9 sanitation, standards of ingredients, quality and identity of alcoholic  
10 beverages manufactured, sold, bottled, or handled by licensees and the  
11 (~~board~~) liquor control agency; and conducting from time to time, in  
12 the interest of the public health and general welfare, scientific  
13 studies and research relating to alcoholic beverages and the use and  
14 effect thereof;

15       (~~(z)~~) (x) Seizing, confiscating and destroying all alcoholic  
16 beverages manufactured, sold or offered for sale within this state  
17 which do not conform in all respects to the standards prescribed by  
18 this title or the (~~regulations~~) rules of the (~~board~~) agency:  
19 PROVIDED, Nothing (~~herein contained~~) in this section shall be  
20 construed as authorizing the liquor (~~board~~) control agency to  
21 prescribe, alter, limit or in any way change the present law as to the  
22 quantity or percentage of alcohol used in the manufacturing of wine or  
23 other alcoholic beverages.

24       "NEW SECTION. Sec. 880. A new section is added to chapter 66.08  
25 RCW to read as follows:

26       The director, subject to the provisions of this title and the rules  
27 adopted under this title, shall:

28       (1) Establish all necessary warehouses for the storing and  
29 bottling, diluting, and rectifying of stocks of liquors for the  
30 purposes of this title;

31       (2) Provide for the leasing for periods not to exceed ten years of  
32 all premises required for the conduct of the business; and for  
33 remodeling the same, and the procuring of their furnishings, fixtures,  
34 and supplies; and for obtaining options of renewal of such leases by  
35 the lessee. The terms of such leases in all other respects shall be  
36 subject to the direction of the director;

1 (3) Execute or cause to be executed, all contracts, papers, and  
2 documents in the name of the agency, under such rules as the agency may  
3 adopt;

4 (4) Pay all customs, duties, excises, charges, and obligations  
5 whatsoever relating to the business of the agency;

6 (5) Require bonds from all employees in the discretion of the  
7 director, and to determine the amount of fidelity bond of each such  
8 employee;

9 (6) Perform services for the state lottery commission to such  
10 extent, and for such compensation, as may be mutually agreed upon  
11 between the director and the commission;

12 (7) Perform all other matters and things, whether similar to the  
13 foregoing or not, to carry out the provisions of this title, and shall  
14 have full power to do each and every act necessary to the conduct of  
15 its business, including all buying, selling, preparation and approval  
16 of forms, and every other function of the business whatsoever, subject  
17 only to audit by the state auditor: PROVIDED, That the director shall  
18 have no authority to regulate the content of spoken language on  
19 licensed premises where wine and other liquors are served and where  
20 there is not a clear and present danger of disorderly conduct being  
21 provoked by such language;

22 (8) Determine the localities within which state liquor stores shall  
23 be established throughout the state, and the number and situation of  
24 the stores within each locality;

25 (9) Appoint in cities and towns and other communities, in which no  
26 state liquor store is located, liquor vendors. Such liquor vendors  
27 shall be agents of the liquor control agency and be authorized to sell  
28 liquor to such persons, firms, or corporations as provided for the sale  
29 of liquor from a state liquor store, and such vendors shall be subject  
30 to such additional rules consistent with this title; and

31 (10) Determine the nature, form, and capacity of all packages to be  
32 used for containing liquor kept for sale under this title.

33 "NEW SECTION. **Sec. 881.** A new section is added to chapter 66.08  
34 RCW to read as follows:

35 The director shall prepare, update, and execute an integrated  
36 liquor plan that includes, but is not limited to, the following  
37 elements:

- 1 (1) A program to achieve efficiencies and ensure operational  
2 integration of regulatory, merchandising, and administrative services;  
3 (2) A program of public and consumer information and coordination  
4 with other public agencies and private organizations that emphasizes  
5 alcohol abuse prevention and responsible consumption; and  
6 (3) A strategy for implementation of the plan.

7 "Sec. 882. RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended  
8 to read as follows:

9 The ((board)) agency shall not advertise liquor in any form or  
10 through any medium whatsoever. The ((board)) agency shall have power  
11 to adopt any and all reasonable regulations as to the kind, character,  
12 and location of advertising of liquor.

13 "Sec. 883. RCW 66.08.070 and 1985 c 226 s 2 are each amended to  
14 read as follows:

15 (1) Every order for the purchase of liquor shall be authorized by  
16 the ((board)) agency, and no order for liquor shall be valid or binding  
17 unless it is so authorized and signed by the ((board)) agency or its  
18 authorized designee.

19 (2) A duplicate of every such order shall be kept on file in the  
20 office of the ((board)) agency.

21 (3) All cancellations of such orders made by the ((board)) agency  
22 shall be signed in the same manner and duplicates thereof kept on file  
23 in the office of the ((board)) agency. Nothing in this title shall be  
24 construed as preventing the ((board)) agency from accepting liquor on  
25 consignment.

26 (4) In the purchase of wine or malt beverages the ((board)) agency  
27 shall not require, as a term or condition of purchase, any warranty or  
28 affirmation with respect to the relationship of the price charged the  
29 ((board)) agency to any price charged any other buyer.

30 "Sec. 884. RCW 66.08.075 and 1937 c 217 s 5 (adding new section  
31 42-A to 1933 ex.s. c 62) are each amended to read as follows:

32 No official or employee of the ((~~liquor control board of the state~~  
33 ~~of Washington~~)) agency shall, during his or her term of office or  
34 employment, or for a period of two years immediately following the  
35 termination thereof, represent directly or indirectly any manufacturer  
36 or wholesaler of liquor in the sale of liquor to the ((board)) agency.

1       **"Sec. 885.** RCW 66.08.090 and 1933 ex.s. c 62 s 31 are each amended  
2 to read as follows:

3       No employee shall sell liquor in any other place, nor at any other  
4 time, nor otherwise than as authorized by the ((~~board~~)) agency under  
5 this title and the regulations.

6       **"Sec. 886.** RCW 66.08.100 and 1935 c 174 s 9 (adding new section  
7 62-A to 1933 ex.s. c 62) are each amended to read as follows:

8       No court of the state of Washington other than the superior court  
9 of Thurston county shall have jurisdiction over any action or  
10 proceeding against the ((~~board~~)) agency or any member thereof for  
11 anything done or omitted to be done in or arising out of the  
12 performance of ((~~his or their~~)) the member's duties under this title.  
13 Neither the ((~~board~~)) agency nor any member or members thereof shall be  
14 personally liable in any action at law for damages sustained by any  
15 person because of any acts performed or done or omitted to be done by  
16 the ((~~board~~)) agency or any employee of the ((~~board~~)) agency in the  
17 performance of his or her duties and in the administration of this  
18 title.

19       **"Sec. 887.** RCW 10.93.020 and 1988 c 36 s 5 are each amended to  
20 read as follows:

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

23       (1) "General authority Washington law enforcement agency" means any  
24 agency, department, or division of a municipal corporation, political  
25 subdivision, or other unit of local government of this state, and any  
26 agency, department, or division of state government, having as its  
27 primary function the detection and apprehension of persons committing  
28 infractions or violating the traffic or criminal laws in general, as  
29 distinguished from a limited authority Washington law enforcement  
30 agency, and any other unit of government expressly designated by  
31 statute as a general authority Washington law enforcement agency. The  
32 Washington state patrol is a general authority Washington law  
33 enforcement agency.

34       (2) "Limited authority Washington law enforcement agency" means any  
35 agency, political subdivision, or unit of local government of this  
36 state, and any agency, department, or division of state government,  
37 having as one of its functions the apprehension or detection of persons

1 committing infractions or violating the traffic or criminal laws  
2 relating to limited subject areas, including but not limited to, the  
3 state departments of natural resources, (~~(fisheries)~~) fish and  
4 wildlife, and social and health services, the state gambling  
5 commission, the state lottery commission, the state parks and  
6 recreation commission, the state utilities and transportation  
7 commission, the state liquor control (~~(board)~~) agency, and the state  
8 department of corrections.

9 (3) "General authority Washington peace officer" means any full-  
10 time, fully compensated and elected, appointed, or employed officer of  
11 a general authority Washington law enforcement agency who is  
12 commissioned to enforce the criminal laws of the state of Washington  
13 generally.

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

21 (5) "Specially commissioned Washington peace officer", for the  
22 purposes of this chapter, means any officer, whether part-time or full-  
23 time, compensated or not, commissioned by a general authority  
24 Washington law enforcement agency to enforce some or all of the  
25 criminal laws of the state of Washington, who does not qualify under  
26 this chapter as a general authority Washington peace officer for that  
27 commissioning agency, specifically including reserve peace officers,  
28 and specially commissioned full-time, fully compensated peace officers  
29 duly commissioned by the states of Oregon or Idaho or any such peace  
30 officer commissioned by a unit of local government of Oregon or Idaho.  
31 A reserve peace officer is an individual who is an officer of a  
32 Washington law enforcement agency who does not serve such agency on a  
33 full-time basis but who, when called by the agency into active service,  
34 is fully commissioned on the same basis as full-time peace officers to  
35 enforce the criminal laws of the state.

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



1 (7) "Agency with primary territorial jurisdiction" means a city or  
2 town police agency which has responsibility for police activity within  
3 its boundaries; or a county police or sheriff's department which has  
4 responsibility with regard to police activity in the unincorporated  
5 areas within the county boundaries; or a statutorily authorized port  
6 district police agency or four-year state college or university police  
7 agency which has responsibility for police activity within the  
8 statutorily authorized enforcement boundaries of the port district,  
9 state college, or university.

10 (8) "Primary commissioning agency" means (a) the employing agency  
11 in the case of a general authority Washington peace officer, a limited  
12 authority Washington peace officer, an Indian tribal peace officer, or  
13 a federal peace officer, and (b) the commissioning agency in the case  
14 of a specially commissioned Washington peace officer (i) who is  
15 performing functions within the course and scope of the special  
16 commission and (ii) who is not also a general authority Washington  
17 peace officer, a limited authority Washington peace officer, an Indian  
18 tribal peace officer, or a federal peace officer.

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

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

25 **"Sec. 888.** RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each  
26 amended to read as follows:

27 (1) The legislature hereby directs the full participation by the  
28 following agencies in the implementation of this chapter:

29 (a) Department of agriculture;

30 (b) Secretary of state;

31 (c) Department of social and health services;

32 (d) Department of revenue;

33 (e) Department of (~~fisheries~~) fish and wildlife;

34 (f) Department of employment security;

35 (g) Department of labor and industries;

36 (h) Department of community, trade, and economic development;

37 (i) Liquor control (~~board~~) agency;

38 (j) Department of health;

- 1 (k) Department of licensing;  
2 (l) Utilities and transportation commission; and  
3 (m) Other agencies as determined by the governor.

4 "Sec. 889. RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,  
5 and 1993 c 280 s 18 are each amended to read as follows:

6 There shall be departments of the state government which shall be  
7 known as (1) the department of social and health services, (2) the  
8 department of ecology, (3) the department of labor and industries, (4)  
9 the department of agriculture, (5) the department of fish and wildlife,  
10 (6) the department of transportation, (7) the department of licensing,  
11 (8) the department of general administration, (9) the department of  
12 community, trade, and economic development, (10) the department of  
13 veterans affairs, (11) the department of revenue, (12) the department  
14 of retirement systems, (13) the department of corrections, ((and)) (14)  
15 the department of health, ((and)) (15) the department of financial  
16 institutions, and (16) the liquor control agency, which shall be  
17 charged with the execution, enforcement, and administration of such  
18 laws, and invested with such powers and required to perform such  
19 duties, as the legislature may provide.

20 "Sec. 890. RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18,  
21 and 1993 c 280 s 19 are each amended to read as follows:

22 There shall be a chief executive officer of each department to be  
23 known as: (1) The secretary of social and health services, (2) the  
24 director of ecology, (3) the director of labor and industries, (4) the  
25 director of agriculture, (5) the director of fish and wildlife, (6) the  
26 secretary of transportation, (7) the director of licensing, (8) the  
27 director of general administration, (9) the director of community,  
28 trade, and economic development, (10) the director of veterans affairs,  
29 (11) the director of revenue, (12) the director of retirement systems,  
30 (13) the secretary of corrections, ((and)) (14) the secretary of  
31 health, ((and)) (15) the director of financial institutions, and (16)  
32 the director of the liquor control agency.

33 Such officers, except the secretary of transportation, shall be  
34 appointed by the governor, with the consent of the senate, and hold  
35 office at the pleasure of the governor. The secretary of  
36 transportation shall be appointed by the transportation commission as  
37 prescribed by RCW 47.01.041.

1       **"Sec. 891.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s  
2 488, and 1993 c 281 s 43 are each reenacted and amended to read as  
3 follows:

4       For the purposes of RCW 42.17.240, the term "executive state  
5 officer" includes:

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

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

29 "Sec. 892. RCW 43.82.010 and 1990 c 47 s 1 are each amended to  
30 read as follows:

31 (1) The director of the department of general administration, on  
32 behalf of the agency involved, shall purchase, lease, rent, or  
33 otherwise acquire all real estate, improved or unimproved, as may be  
34 required by elected state officials, institutions, departments,  
35 commissions, boards, and other state agencies, or federal agencies  
36 where joint state and federal activities are undertaken and may grant  
37 easements and transfer, exchange, sell, lease, or sublease all or part  
38 of any surplus real estate for those state agencies which do not

1 otherwise have the specific authority to dispose of real estate. This  
2 section does not transfer financial liability for the acquired property  
3 to the department of general administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 "NEW SECTION. **Sec. 893.** The following acts or parts of acts are  
23 each repealed:

24 (1) RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s.  
25 c 62 s 65;

26 (2) RCW 66.08.050 and 1993 c 25 s 1, 1986 c 214 s 2, 1983 c 160 s  
27 1, 1975 1st ex.s. c 173 s 1, 1969 ex.s. c 178 s 1, 1963 c 239 s 3, 1935  
28 c 174 s 10, & 1933 ex.s. c 62 s 69; and

29 (3) RCW 66.08.150 and 1989 c 175 s 122, 1967 c 237 s 23, & 1933  
30 ex.s. c 62 s 62.

31 "NEW SECTION. **Sec. 894.** Nothing in this act requires the liquor  
32 control agency to discard stationery or signs, rename its facilities or  
33 stores, or incur similar expenses attributable to the renaming of the  
34 agency.

