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SENATE BILL 6162

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State of Washington                      56th Legislature                      2000 Regular Session

By Senators Fairley, Wojahn, Thibaudeau, Franklin and Kohl-Welles

Read first time 01/10/2000. Referred to Committee on Judiciary.

1            AN ACT Relating to equal access to facilities of golf and country  
2 clubs; amending RCW 66.24.010; and reenacting and amending RCW  
3 84.34.108.

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

5            **Sec. 1.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to read  
6 as follows:

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

9            (2) For the purpose of considering any application for a license,  
10 the board may cause an inspection of the premises to be made, and may  
11 inquire into all matters in connection with the construction and  
12 operation of the premises. For the purpose of reviewing any  
13 application for a license and for considering the denial, suspension or  
14 revocation of any license, the liquor control board may consider any  
15 prior criminal conduct of the applicant and the provisions of RCW  
16 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The  
17 board may, in its discretion, grant or refuse the license applied for.  
18 Authority to approve an uncontested or unopposed license may be granted  
19 by the board to any staff member the board designates in writing.

1 Conditions for granting such authority shall be adopted by rule. No  
2 retail license of any kind may be issued to:

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

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

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

11 (d) A corporation or a limited liability company, unless it was  
12 created under the laws of the state of Washington or holds a  
13 certificate of authority to transact business in the state of  
14 Washington;

15 (e) A golf or country club that does not allow equal access to and  
16 full enjoyment of all club facilities by all members of the club, and  
17 by all members of the public to the extent that public use is allowed.

18 (3)(a) The board may, in its discretion, subject to the provisions  
19 of RCW 66.08.150, suspend or cancel any license; and all rights of the  
20 licensee to keep or sell liquor thereunder shall be suspended or  
21 terminated, as the case may be.

22 (b) The board shall immediately suspend the license or certificate  
23 of a person who has been certified pursuant to RCW 74.20A.320 by the  
24 department of social and health services as a person who is not in  
25 compliance with a support order. If the person has continued to meet  
26 all other requirements for reinstatement during the suspension,  
27 reissuance of the license or certificate shall be automatic upon the  
28 board's receipt of a release issued by the department of social and  
29 health services stating that the licensee is in compliance with the  
30 order.

31 (c) The board may request the appointment of administrative law  
32 judges under chapter 34.12 RCW who shall have power to administer  
33 oaths, issue subpoenas for the attendance of witnesses and the  
34 production of papers, books, accounts, documents, and testimony,  
35 examine witnesses, and to receive testimony in any inquiry,  
36 investigation, hearing, or proceeding in any part of the state, under  
37 such rules and regulations as the board may adopt.

38 (d) Witnesses shall be allowed fees and mileage each way to and  
39 from any such inquiry, investigation, hearing, or proceeding at the

1 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees  
2 need not be paid in advance of appearance of witnesses to testify or to  
3 produce books, records, or other legal evidence.

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

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

22 (5)(a) At the time of the original issuance of a spirits, beer, and  
23 wine restaurant license, the board shall prorate the license fee  
24 charged to the new licensee according to the number of calendar  
25 quarters, or portion thereof, remaining until the first renewal of that  
26 license is required.

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

36 (6) Every license issued under this section shall be subject to all  
37 conditions and restrictions imposed by this title or by the regulations  
38 in force from time to time. All conditions and restrictions imposed by  
39 the board in the issuance of an individual license shall be listed on

1 the face of the individual license along with the trade name, address,  
2 and expiration date.

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

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

25 (9) Before the board issues any license to any applicant, it shall  
26 give (a) due consideration to the location of the business to be  
27 conducted under such license with respect to the proximity of churches,  
28 schools, and public institutions and (b) written notice by certified  
29 mail of the application to churches, schools, and public institutions  
30 within five hundred feet of the premises to be licensed. The board  
31 shall issue no beer retailer license for either on-premises or off-  
32 premises consumption or wine retailer license for either on-premises or  
33 off-premises consumption or spirits, beer, and wine restaurant license  
34 covering any premises not now licensed, if such premises are within  
35 five hundred feet of the premises of any tax-supported public  
36 elementary or secondary school measured along the most direct route  
37 over or across established public walks, streets, or other public  
38 passageway from the outer property line of the school grounds to the  
39 nearest public entrance of the premises proposed for license, and if,

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

24 (10) The restrictions set forth in subsection (9) of this section  
25 shall not prohibit the board from authorizing the assumption of  
26 existing licenses now located within the restricted area by other  
27 persons or licenses or relocations of existing licensed premises within  
28 the restricted area. In no case may the licensed premises be moved  
29 closer to a church or school than it was before the assumption or  
30 relocation.

31 (11) Nothing in this section prohibits the board, in its  
32 discretion, from issuing a temporary retail or distributor license to  
33 an applicant assuming an existing retail or distributor license to  
34 continue the operation of the retail or distributor premises during the  
35 period the application for the license is pending and when the  
36 following conditions exist:

37 (a) The licensed premises has been operated under a retail or  
38 distributor license within ninety days of the date of filing the  
39 application for a temporary license;

1 (b) The retail or distributor license for the premises has been  
2 surrendered pursuant to issuance of a temporary operating license;

3 (c) The applicant for the temporary license has filed with the  
4 board an application to assume the retail or distributor license at  
5 such premises to himself or herself; and

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

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

13 Refusal by the board to issue or extend a temporary license shall  
14 not entitle the applicant to request a hearing. A temporary license  
15 may be canceled or suspended summarily at any time if the board  
16 determines that good cause for cancellation or suspension exists. RCW  
17 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

22 **Sec. 2.** RCW 84.34.108 and 1999 1st sp.s. c 4 s 706 and 1999 c 233  
23 s 22 are each reenacted and amended to read as follows:

24 (1) When land has once been classified under this chapter, a  
25 notation of such classification shall be made each year upon the  
26 assessment and tax rolls and such land shall be valued pursuant to RCW  
27 84.34.060 or 84.34.065 until removal of all or a portion of such  
28 classification by the assessor upon occurrence of any of the following:

29 (a) Receipt of notice from the owner to remove all or a portion of  
30 such classification;

31 (b) Sale or transfer to an ownership, except a transfer that  
32 resulted from a default in loan payments made to or secured by a  
33 governmental agency that intends to or is required by law or regulation  
34 to resell the property for the same use as before, making all or a  
35 portion of such land exempt from ad valorem taxation;

36 (c) Sale or transfer of all or a portion of such land to a new  
37 owner, unless the new owner has signed a notice of classification  
38 continuance, except transfer to an owner who is an heir or devisee of

1 a deceased owner shall not, by itself, result in removal of  
2 classification. The notice of continuance shall be on a form prepared  
3 by the department of revenue. If the notice of continuance is not  
4 signed by the new owner and attached to the real estate excise tax  
5 affidavit, all additional taxes calculated pursuant to subsection (4)  
6 of this section shall become due and payable by the seller or  
7 transferor at time of sale. The county auditor shall not accept an  
8 instrument of conveyance of classified land for filing or recording  
9 unless the new owner has signed the notice of continuance or the  
10 additional tax has been paid, as evidenced by the real estate excise  
11 tax stamp affixed thereto by the treasurer. The seller, transferor, or  
12 new owner may appeal the new assessed valuation calculated under  
13 subsection (4) of this section to the county board of equalization.  
14 Jurisdiction is hereby conferred on the county board of equalization to  
15 hear these appeals;

16 (d) Determination by the assessor, after giving the owner written  
17 notice and an opportunity to be heard, that all or a portion of such  
18 land no longer meets the criteria for classification under this  
19 chapter. The criteria for classification pursuant to this chapter  
20 continue to apply after classification has been granted;

21 (e) Determination by the assessor, after giving the owner written  
22 notice and an opportunity to be heard, that all or a portion of such  
23 land is in use as a golf or country club and that the golf or country  
24 club does not allow equal access to and full enjoyment of all club  
25 facilities by all members of the club, and by all members of the public  
26 to the extent that public use is allowed.

27 The granting authority, upon request of an assessor, shall provide  
28 reasonable assistance to the assessor in making a determination whether  
29 such land continues to meet the qualifications of RCW 84.34.020 (1) or  
30 (3). The assistance shall be provided within thirty days of receipt of  
31 the request.

32 (2) Land may not be removed from classification because of:

33 (a) The creation, sale, or transfer of forestry riparian easements  
34 under RCW 76.13.120; or

35 (b) The creation, sale, or transfer of a fee interest or a  
36 conservation easement for the riparian open space program under RCW  
37 76.09.040.

38 (3) Within thirty days after such removal of all or a portion of  
39 such land from current use classification, the assessor shall notify

1 the owner in writing, setting forth the reasons for such removal. The  
2 seller, transferor, or owner may appeal such removal to the county  
3 board of equalization.

4 (4) Unless the removal is reversed on appeal, the assessor shall  
5 revalue the affected land with reference to full market value on the  
6 date of removal from classification. Both the assessed valuation  
7 before and after the removal of classification shall be listed and  
8 taxes shall be allocated according to that part of the year to which  
9 each assessed valuation applies. Except as provided in subsection (6)  
10 of this section, an additional tax, applicable interest, and penalty  
11 shall be imposed which shall be due and payable to the county treasurer  
12 thirty days after the owner is notified of the amount of the additional  
13 tax. As soon as possible, the assessor shall compute the amount of  
14 such an additional tax, applicable interest, and penalty and the  
15 treasurer shall mail notice to the owner of the amount thereof and the  
16 date on which payment is due. The amount of such additional tax,  
17 applicable interest, and penalty shall be determined as follows:

18 (a) The amount of additional tax shall be equal to the difference  
19 between the property tax paid as "open space land", "farm and  
20 agricultural land", or "timber land" and the amount of property tax  
21 otherwise due and payable for the seven years last past had the land  
22 not been so classified;

23 (b) The amount of applicable interest shall be equal to the  
24 interest upon the amounts of such additional tax paid at the same  
25 statutory rate charged on delinquent property taxes from the dates on  
26 which such additional tax could have been paid without penalty if the  
27 land had been assessed at a value without regard to this chapter;

28 (c) The amount of the penalty shall be as provided in RCW  
29 84.34.080. The penalty shall not be imposed if the removal satisfies  
30 the conditions of RCW 84.34.070.

31 (5) Additional tax, applicable interest, and penalty, shall become  
32 a lien on such land which shall attach at the time such land is removed  
33 from classification under this chapter and shall have priority to and  
34 shall be fully paid and satisfied before any recognizance, mortgage,  
35 judgment, debt, obligation or responsibility to or with which such land  
36 may become charged or liable. Such lien may be foreclosed upon  
37 expiration of the same period after delinquency and in the same manner  
38 provided by law for foreclosure of liens for delinquent real property  
39 taxes as provided in RCW 84.64.050 now or as hereafter amended. Any



1 additional tax unpaid on its due date shall thereupon become  
2 delinquent. From the date of delinquency until paid, interest shall be  
3 charged at the same rate applied by law to delinquent ad valorem  
4 property taxes.

5 (6) The additional tax, applicable interest, and penalty specified  
6 in subsection (4) of this section shall not be imposed if the removal  
7 of classification pursuant to subsection (1) of this section resulted  
8 solely from:

9 (a) Transfer to a government entity in exchange for other land  
10 located within the state of Washington;

11 (b)(i) A taking through the exercise of the power of eminent  
12 domain, or (ii) sale or transfer to an entity having the power of  
13 eminent domain in anticipation of the exercise of such power, said  
14 entity having manifested its intent in writing or by other official  
15 action;

16 (c) A natural disaster such as a flood, windstorm, earthquake, or  
17 other such calamity rather than by virtue of the act of the landowner  
18 changing the use of such property;

19 (d) Official action by an agency of the state of Washington or by  
20 the county or city within which the land is located which disallows the  
21 present use of such land;

22 (e) Transfer of land to a church when such land would qualify for  
23 exemption pursuant to RCW 84.36.020;

24 (f) Acquisition of property interests by state agencies or agencies  
25 or organizations qualified under RCW 84.34.210 and 64.04.130 for the  
26 purposes enumerated in those sections: PROVIDED, That at such time as  
27 these property interests are not used for the purposes enumerated in  
28 RCW 84.34.210 and 64.04.130 the additional tax specified in subsection  
29 (4) of this section shall be imposed;

30 (g) Removal of land classified as farm and agricultural land under  
31 RCW 84.34.020(2)(d);

32 (h) Removal of land from classification after enactment of a  
33 statutory exemption that qualifies the land for exemption and receipt  
34 of notice from the owner to remove the land from classification;

35 (i) The creation, sale, or transfer of forestry riparian easements  
36 under RCW 76.13.120; or

1       (j) The creation, sale, or transfer of a fee interest or a  
2 conservation easement for the riparian open space program under RCW  
3 76.09.040.

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