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HOUSE BILL 2631

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Conway, Clements, Wood and Kenney; by request of  
Liquor Control Board and Gambling Commission

Read first time 01/23/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to meeting federal standards for criminal  
2 background checks for the liquor control board and the gambling  
3 commission; and amending RCW 9.46.070, 66.08.030, 66.24.010, and  
4 66.24.025.

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

6 **Sec. 1.** RCW 9.46.070 and 1999 c 143 s 6 are each amended to read  
7 as follows:

8 The commission shall have the following powers and duties:

9 (1) To authorize and issue licenses for a period not to exceed one  
10 year to bona fide charitable or nonprofit organizations approved by the  
11 commission meeting the requirements of this chapter and any rules and  
12 regulations adopted pursuant thereto permitting said organizations to  
13 conduct bingo games, raffles, amusement games, and social card games,  
14 to utilize punch boards and pull-tabs in accordance with the provisions  
15 of this chapter and any rules and regulations adopted pursuant thereto  
16 and to revoke or suspend said licenses for violation of any provisions  
17 of this chapter or any rules and regulations adopted pursuant thereto:  
18 PROVIDED, That the commission shall not deny a license to an otherwise  
19 qualified applicant in an effort to limit the number of licenses to be

1 issued: PROVIDED FURTHER, That the commission or director shall not  
2 issue, deny, suspend, or revoke any license because of considerations  
3 of race, sex, creed, color, or national origin: AND PROVIDED FURTHER,  
4 That the commission may authorize the director to temporarily issue or  
5 suspend licenses subject to final action by the commission;

6 (2) To authorize and issue licenses for a period not to exceed one  
7 year to any person, association, or organization operating a business  
8 primarily engaged in the selling of items of food or drink for  
9 consumption on the premises, approved by the commission meeting the  
10 requirements of this chapter and any rules and regulations adopted  
11 pursuant thereto permitting said person, association, or organization  
12 to utilize punch boards and pull-tabs and to conduct social card games  
13 as a commercial stimulant in accordance with the provisions of this  
14 chapter and any rules and regulations adopted pursuant thereto and to  
15 revoke or suspend said licenses for violation of any provisions of this  
16 chapter and any rules and regulations adopted pursuant thereto:  
17 PROVIDED, That the commission shall not deny a license to an otherwise  
18 qualified applicant in an effort to limit the number of licenses to be  
19 issued: PROVIDED FURTHER, That the commission may authorize the  
20 director to temporarily issue or suspend licenses subject to final  
21 action by the commission;

22 (3) To authorize and issue licenses for a period not to exceed one  
23 year to any person, association, or organization approved by the  
24 commission meeting the requirements of this chapter and meeting the  
25 requirements of any rules and regulations adopted by the commission  
26 pursuant to this chapter as now or hereafter amended, permitting said  
27 person, association, or organization to conduct or operate amusement  
28 games in such manner and at such locations as the commission may  
29 determine;

30 (4) To authorize, require, and issue, for a period not to exceed  
31 one year, such licenses as the commission may by rule provide, to any  
32 person, association, or organization to engage in the selling,  
33 distributing, or otherwise supplying or in the manufacturing of devices  
34 for use within this state for those activities authorized by this  
35 chapter;

36 (5) To establish a schedule of annual license fees for carrying on  
37 specific gambling activities upon the premises, and for such other  
38 activities as may be licensed by the commission, which fees shall  
39 provide to the commission not less than an amount of money adequate to

1 cover all costs incurred by the commission relative to licensing under  
2 this chapter and the enforcement by the commission of the provisions of  
3 this chapter and rules and regulations adopted pursuant thereto:  
4 PROVIDED, That all licensing fees shall be submitted with an  
5 application therefor and such portion of said fee as the commission may  
6 determine, based upon its cost of processing and investigation, shall  
7 be retained by the commission upon the withdrawal or denial of any such  
8 license application as its reasonable expense for processing the  
9 application and investigation into the granting thereof: PROVIDED  
10 FURTHER, That if in a particular case the basic license fee established  
11 by the commission for a particular class of license is less than the  
12 commission's actual expenses to investigate that particular  
13 application, the commission may at any time charge to that applicant  
14 such additional fees as are necessary to pay the commission for those  
15 costs. The commission may decline to proceed with its investigation  
16 and no license shall be issued until the commission has been fully paid  
17 therefor by the applicant: AND PROVIDED FURTHER, That the commission  
18 may establish fees for the furnishing by it to licensees of  
19 identification stamps to be affixed to such devices and equipment as  
20 required by the commission and for such other special services or  
21 programs required or offered by the commission, the amount of each of  
22 these fees to be not less than is adequate to offset the cost to the  
23 commission of the stamps and of administering their dispersal to  
24 licensees or the cost of administering such other special services,  
25 requirements or programs;

26 (6) To prescribe the manner and method of payment of taxes, fees  
27 and penalties to be paid to or collected by the commission;

28 (7) To require that applications for all licenses contain such  
29 information as may be required by the commission: PROVIDED, That all  
30 persons (a) having a managerial or ownership interest in any gambling  
31 activity, or the building in which any gambling activity occurs, or the  
32 equipment to be used for any gambling activity, or (b) participating as  
33 an employee in the operation of any gambling activity, shall be listed  
34 on the application for the license and the applicant shall certify on  
35 the application, under oath, that the persons named on the application  
36 are all of the persons known to have an interest in any gambling  
37 activity, building, or equipment by the person making such application:  
38 PROVIDED FURTHER, That the commission (~~may~~) shall require  
39 fingerprinting and national criminal history background checks on any

1 persons seeking licenses, certifications, or permits under this chapter  
2 or of any person holding an interest in any gambling activity,  
3 building, or equipment to be used therefor, or of any person  
4 participating as an employee in the operation of any gambling activity.  
5 All national criminal history background checks shall be conducted  
6 using fingerprints submitted to the United States department of  
7 justice-federal bureau of investigation. The commission must establish  
8 rules to delineate which persons named on the application are subject  
9 to national criminal history background checks. In identifying these  
10 persons, the commission must take into consideration the nature,  
11 character, size, and scope of the gambling activities requested by the  
12 persons making such applications;

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

16 (9) To require that all income from bingo games, raffles, and  
17 amusement games be recorded and reported as established by rule or  
18 regulation of the commission to the extent deemed necessary by  
19 considering the scope and character of the gambling activity in such a  
20 manner that will disclose gross income from any gambling activity,  
21 amounts received from each player, the nature and value of prizes, and  
22 the fact of distributions of such prizes to the winners thereof;

23 (10) To regulate and establish maximum limitations on income  
24 derived from bingo. In establishing limitations pursuant to this  
25 subsection the commission shall take into account (i) the nature,  
26 character, and scope of the activities of the licensee; (ii) the source  
27 of all other income of the licensee; and (iii) the percentage or extent  
28 to which income derived from bingo is used for charitable, as  
29 distinguished from nonprofit, purposes. However, the commission's  
30 powers and duties granted by this subsection are discretionary and not  
31 mandatory;

32 (11) To regulate and establish the type and scope of and manner of  
33 conducting the gambling activities authorized by this chapter,  
34 including but not limited to, the extent of wager, money, or other  
35 thing of value which may be wagered or contributed or won by a player  
36 in any such activities;

37 (12) To regulate the collection of and the accounting for the fee  
38 which may be imposed by an organization, corporation, or person

1 licensed to conduct a social card game on a person desiring to become  
2 a player in a social card game in accordance with RCW 9.46.0282;

3 (13) To cooperate with and secure the cooperation of county, city,  
4 and other local or state agencies in investigating any matter within  
5 the scope of its duties and responsibilities;

6 (14) In accordance with RCW 9.46.080, to adopt such rules and  
7 regulations as are deemed necessary to carry out the purposes and  
8 provisions of this chapter. All rules and regulations shall be adopted  
9 pursuant to the administrative procedure act, chapter 34.05 RCW;

10 (15) To set forth for the perusal of counties, city-counties,  
11 cities and towns, model ordinances by which any legislative authority  
12 thereof may enter into the taxing of any gambling activity authorized  
13 by this chapter;

14 (16) To establish and regulate a maximum limit on salaries or wages  
15 which may be paid to persons employed in connection with activities  
16 conducted by bona fide charitable or nonprofit organizations and  
17 authorized by this chapter, where payment of such persons is allowed,  
18 and to regulate and establish maximum limits for other expenses in  
19 connection with such authorized activities, including but not limited  
20 to rent or lease payments. However, the commissioner's powers and  
21 duties granted by this subsection are discretionary and not mandatory.

22 In establishing these maximum limits the commission shall take into  
23 account the amount of income received, or expected to be received, from  
24 the class of activities to which the limits will apply and the amount  
25 of money the games could generate for authorized charitable or  
26 nonprofit purposes absent such expenses. The commission may also take  
27 into account, in its discretion, other factors, including but not  
28 limited to, the local prevailing wage scale and whether charitable  
29 purposes are benefited by the activities;

30 (17) To authorize, require, and issue for a period not to exceed  
31 one year such licenses or permits, for which the commission may by rule  
32 provide, to any person to work for any operator of any gambling  
33 activity authorized by this chapter in connection with that activity,  
34 or any manufacturer, supplier, or distributor of devices for those  
35 activities in connection with such business. The commission shall not  
36 require that persons working solely as volunteers in an authorized  
37 activity conducted by a bona fide charitable or bona fide nonprofit  
38 organization, who receive no compensation of any kind for any purpose  
39 from that organization, and who have no managerial or supervisory

1 responsibility in connection with that activity, be licensed to do such  
2 work. The commission may require that licensees employing such  
3 unlicensed volunteers submit to the commission periodically a list of  
4 the names, addresses, and dates of birth of the volunteers. If any  
5 volunteer is not approved by the commission, the commission may require  
6 that the licensee not allow that person to work in connection with the  
7 licensed activity;

8 (18) To publish and make available at the office of the commission  
9 or elsewhere to anyone requesting it a list of the commission  
10 licensees, including the name, address, type of license, and license  
11 number of each licensee;

12 (19) To establish guidelines for determining what constitutes  
13 active membership in bona fide nonprofit or charitable organizations  
14 for the purposes of this chapter; and

15 (20) To perform all other matters and things necessary to carry out  
16 the purposes and provisions of this chapter.

17 **Sec. 2.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to  
18 read as follows:

19 (1) For the purpose of carrying into effect the provisions of this  
20 title according to their true intent or of supplying any deficiency  
21 therein, the board may make such regulations not inconsistent with the  
22 spirit of this title as are deemed necessary or advisable. All  
23 regulations so made shall be a public record and shall be filed in the  
24 office of the code reviser, and thereupon shall have the same force and  
25 effect as if incorporated in this title. Such regulations, together  
26 with a copy of this title, shall be published in pamphlets and shall be  
27 distributed as directed by the board.

28 (2) Without thereby limiting the generality of the provisions  
29 contained in subsection (1), it is declared that the power of the board  
30 to make regulations in the manner set out in that subsection shall  
31 extend to

32 (a) regulating the equipment and management of stores and  
33 warehouses in which state liquor is sold or kept, and prescribing the  
34 books and records to be kept therein and the reports to be made thereon  
35 to the board;

36 (b) prescribing the duties of the employees of the board, and  
37 regulating their conduct in the discharge of their duties;

1 (c) governing the purchase of liquor by the state and the  
2 furnishing of liquor to stores established under this title;

3 (d) determining the classes, varieties, and brands of liquor to be  
4 kept for sale at any store;

5 (e) prescribing, subject to RCW 66.16.080, the hours during which  
6 the state liquor stores shall be kept open for the sale of liquor;

7 (f) providing for the issuing and distributing of price lists  
8 showing the price to be paid by purchasers for each variety of liquor  
9 kept for sale under this title;

10 (g) prescribing an official seal and official labels and stamps and  
11 determining the manner in which they shall be attached to every package  
12 of liquor sold or sealed under this title, including the prescribing of  
13 different official seals or different official labels for different  
14 classes of liquor;

15 (h) providing for the payment by the board in whole or in part of  
16 the carrying charges on liquor shipped by freight or express;

17 (i) prescribing forms to be used for purposes of this title or the  
18 regulations, and the terms and conditions to be contained in permits  
19 and licenses issued under this title, and the qualifications for  
20 receiving a permit or license issued under this title, including a  
21 criminal history record information check. The board may submit the  
22 criminal history record information check to the Washington state  
23 patrol and to the identification division of the federal bureau of  
24 investigation in order that these agencies may search their records for  
25 prior arrests and convictions of the individual or individuals who  
26 filled out the forms. The board shall require fingerprinting of any  
27 applicant whose criminal history record information check is submitted  
28 to the federal bureau of investigation;

29 (j) prescribing the fees payable in respect of permits and licenses  
30 issued under this title for which no fees are prescribed in this title,  
31 and prescribing the fees for anything done or permitted to be done  
32 under the regulations;

33 (k) prescribing the kinds and quantities of liquor which may be  
34 kept on hand by the holder of a special permit for the purposes named  
35 in the permit, regulating the manner in which the same shall be kept  
36 and disposed of, and providing for the inspection of the same at any  
37 time at the instance of the board;

38 (l) regulating the sale of liquor kept by the holders of licenses  
39 which entitle the holder to purchase and keep liquor for sale;

1 (m) prescribing the records of purchases or sales of liquor kept by  
2 the holders of licenses, and the reports to be made thereon to the  
3 board, and providing for inspection of the records so kept;

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

7 (o) prescribing the manner of giving and serving notices required  
8 by this title or the regulations, where not otherwise provided for in  
9 this title;

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

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

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

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

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

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

34 (v) 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) providing for the giving of fidelity bonds by any or all of the  
2 employees of the board: PROVIDED, That the premiums therefor shall be  
3 paid by the board;

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

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

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

21 **Sec. 3.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to read  
22 as follows:

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

25 (2) For the purpose of considering any application for a license,  
26 the board may cause an inspection of the premises to be made, and may  
27 inquire into all matters in connection with the construction and  
28 operation of the premises. For the purpose of reviewing any  
29 application for a license and for considering the denial, suspension or  
30 revocation of any license, the liquor control board may consider any  
31 prior criminal conduct of the applicant (~~and~~) including a criminal  
32 history record information check. The board may submit the criminal  
33 history record information check to the Washington state patrol and to  
34 the identification division of the federal bureau of investigation in  
35 order that these agencies may search their records for prior arrests  
36 and convictions of the individual or individuals who filled out the  
37 forms. The board shall require fingerprinting of any applicant whose  
38 criminal history record information check is submitted to the federal

1 bureau of investigation. The provisions of RCW 9.95.240 and of chapter  
2 9.96A RCW shall not apply to such cases. The board may, in its  
3 discretion, grant or refuse the license applied for. Authority to  
4 approve an uncontested or unopposed license may be granted by the board  
5 to any staff member the board designates in writing. Conditions for  
6 granting such authority shall be adopted by rule. No retail license of  
7 any kind may be issued to:

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

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

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

16 (d) A corporation or a limited liability company, unless it was  
17 created under the laws of the state of Washington or holds a  
18 certificate of authority to transact business in the state of  
19 Washington.

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

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

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

1 (d) Witnesses shall be allowed fees and mileage each way to and  
2 from any such inquiry, investigation, hearing, or proceeding at the  
3 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees  
4 need not be paid in advance of appearance of witnesses to testify or to  
5 produce books, records, or other legal evidence.

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

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

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

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

38 (6) Every license issued under this section shall be subject to all  
39 conditions and restrictions imposed by this title or by the regulations

1 in force from time to time. All conditions and restrictions imposed by  
2 the board in the issuance of an individual license shall be listed on  
3 the face of the individual license along with the trade name, address,  
4 and expiration date.

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

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

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

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

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

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

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

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

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

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

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

16 Refusal by the board to issue or extend a temporary license shall  
17 not entitle the applicant to request a hearing. A temporary license  
18 may be canceled or suspended summarily at any time if the board  
19 determines that good cause for cancellation or suspension exists. RCW  
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

25 **Sec. 4.** RCW 66.24.025 and 1995 c 232 s 2 are each amended to read  
26 as follows:

27 (1) If the board approves, a license may be transferred, without  
28 charge, to the surviving spouse only of a deceased licensee if the  
29 parties were maintaining a marital community and the license was issued  
30 in the names of one or both of the parties. For the purpose of  
31 considering the qualifications of the surviving party or parties to  
32 receive a liquor license, the liquor control board may require a  
33 criminal history record information check. The board may submit the  
34 criminal history record information check to the Washington state  
35 patrol and to the identification division of the federal bureau of  
36 investigation in order that these agencies may search their records for  
37 prior arrests and convictions of the individual or individuals who  
38 filled out the forms. The board shall require fingerprinting of any

1 applicant whose criminal history record information check is submitted  
2 to the federal bureau of investigation.

3 (2) The proposed sale of more than ten percent of the outstanding  
4 and/or issued stock of a licensed corporation or any proposed change in  
5 the officers of a licensed corporation must be reported to the board,  
6 and board approval must be obtained before such changes are made. A  
7 fee of seventy-five dollars will be charged for the processing of such  
8 change of stock ownership and/or corporate officers.

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