

For the purposes of complying with the provisions of this chapter, each board shall select a chairman, who may be either a legislator or lay member, a vice chairman, and a secretary; and meetings of the board shall be called by the chairman when deemed necessary for the performance of the duties of the board.

NEW SECTION. Sec. 10. There is added to chapter 44.60 RCW a new section to read as follows:

Each board shall issue an annual report which shall contain advisory opinions and summaries of final board decisions. Copies of the reports shall be distributed to members of the legislature and through the depository library system.

NEW SECTION. Sec. 11. Section 7, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.060 are each repealed.

NEW SECTION. Sec. 12. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Passed the Senate May 28, 1977.

Passed the House May 27, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

CHAPTER 219

[Engrossed Substitute Senate Bill No. 3036]
ALCOHOLIC BEVERAGE CONTROL

AN ACT Relating to alcoholic beverage control; amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010; amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011 are each amended to read as follows:

"Public place" as defined in this title shall not include (a) any of those parks under the control of the state parks and recreation commission, nor, (b) parks and picnic areas adjacent to and held by the same ownership as licensed brewers and domestic wineries for the consumption of beer and wine produced by the respective brewery or winery, as prescribed by regulation adopted by the board pursuant to chapter 34.04 RCW.

Sec. 2. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person,

under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest, nor shall any manufacturer, importer, or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

****Sec. 3. Section 1, chapter 245, Laws of 1943 and RCW 66.44.310 are each amended to read as follows:***

(1) It shall be a misdemeanor,

(a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one years,

(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern,

(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to or remaining on the premises of any tavern.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Notwithstanding the provisions of this section and the provisions of RCW 26.28.080 as now or hereafter amended, it shall be lawful for a person under the age of

twenty-one years to be on and remain on the licensed premises when accompanied by the licensee or his agent during times the licensed premises is not open for the sale of alcoholic beverages.

*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: **PROVIDED, FURTHER**, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of

complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Passed the Senate May 28, 1977.

Passed the House May 27, 1977.

Approved by the Governor June 10, 1977, with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State June 10, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 3036 entitled:

"AN ACT Relating to alcoholic beverage control; amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28-.010; amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420."

A careful reading of this bill reveals that section 3 as amended could create problems beyond the intent of the sponsor. The amendment was submitted as a floor amendment and thus did not have the benefit of committee deliberation. Although the purpose of the change was to allow those under 21 years of age to assist in clean-up duties in their parents' taverns, in itself not particularly objectionable, the amended section could be interpreted as allowing teenage "coke" parties or other social events in a contrived atmosphere.

Another problem exists involving the ability of the Washington State Liquor Control Board to enforce the statute. It is a valid argument that a tavern operator might be able to take advantage of the law if a minor was found on the premises by quickly suspending sales and claiming no violation.

For these reasons, section 3 of Substitute Senate Bill No. 3036 is vetoed and the remainder of the bill is approved."

CHAPTER 220

[Engrossed Senate Bill No. 2472]

NONHIGHWAY VEHICLES—OFF-ROAD VEHICLES

AN ACT Relating to motor vehicles; amending section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. as amended by section 4, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. as amended by section 5, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. as amended by section 6, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. as amended by section 7, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. as amended by section 8, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. as amended by section 9, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. as amended by section 10, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. as amended by section 11, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.120; amending section 18, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.130; amending section 19, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.140; amending section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.170; amending section 23, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.180; amending section 24, chapter 47, Laws of 1971 ex. sess. as amended by section 16, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.190; amending section 8, chapter 76, Laws of 1970 ex. sess. as last amended by section 1, chapter 153, Laws of 1972 ex. sess. and RCW 67.32.080; adding new sections to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW; repealing section 2, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.175; repealing section 28, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.210; repealing section 18, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.220; prescribing penalties; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

((~~All-terrain~~)) "Nonhighway vehicle" shall mean any self-propelled vehicle when used for ((~~cross-country~~)) recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination