

(5) Any person who ~~((offers or develops a new institutional health service without first being granted a certificate of need by the secretary of the department))~~ engages in any undertaking which requires certificate of need review under RCW 70.38.085(4) without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized ~~((offering or development))~~ undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION. Sec. 11. There is added to chapter 70.38 RCW a new section to read as follows:

The enactment of this chapter as amended shall not have the effect of terminating, or in any way modifying the validity of any certificate of need which shall already have been issued prior to the effective date of this 1980 act.

NEW SECTION. Sec. 12. If any provision of this 1980 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.

NEW SECTION. Sec. 13. Section 7, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.075 are each repealed.

NEW SECTION. Sec. 14. Sections 7, 8, and 10 of this 1980 act shall take effect January 1, 1981.

Passed the House March 3, 1980.

Passed the Senate February 29, 1980.

Approved by the Governor March 13, 1980.

Filed in Office of Secretary of State March 13, 1980.

CHAPTER 140

[Substitute House Bill No. 1630]

LIQUOR CONTROL LAWS—EXCLUSION OF ALCOHOL USED FOR MOTOR
VEHICLE FUEL

AN ACT Relating to energy conservation; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010; amending section 4, chapter 289, Laws of 1955 and RCW 66.44.140; adding a new section to chapter 66.12 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the production of alcohol for use as a fuel or fuel supplement is of great importance to the state. Alcohol, when used as a fuel source, is less polluting to the atmosphere than conventional fuels and its use reduces the state's dependence on limited oil resources. Production of alcohol for use as a fuel provides a new use and market for Washington agricultural products and aids Washington farmers in producing food and fiber for the citizens of the state, nation, and world. Therefore, the legislature declares public policy to be one of encouragement toward the production and use of alcohol as a fuel or fuel supplement.

NEW SECTION. Sec. 2. There is added to chapter 66.12 RCW a new section to read as follows:

Nothing in this title shall apply to or prevent the sale, importation, purchase, production, or blending of alcohol used solely for fuel to be used in motor vehicles, farm implements, and machines or implements of husbandry or in combination with gasoline or other petroleum products for use as such fuel. Manufacturers and distillers of such alcohol fuel are not required to obtain a license under this title. Alcohol which is produced for use as fuel shall be denatured in accordance with a formula approved by the federal bureau of alcohol, tobacco and firearms prior to the removal of the alcohol from the premises as described in the approved federal permit application. The exemptions from the state liquor control laws provided by this section only apply to distillers and manufacturers of alcohol to be used solely for fuel as long as the manufacturers and distillers are the holders of an appropriate permit issued under federal law.

Sec. 3. Section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in section 2 of this 1980 act, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure

barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

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

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

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

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

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to (~~(sections 10030-10038, Remington's Revised Statutes)~~) chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to (~~(sections 10126-10146, Remington's Revised Statutes)~~) chapter 18.64 RCW.

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

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

(12) "Fund" means 'liquor revolving fund.'

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

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

~~(15) ("Interdicted person" means a person declared an habitual drunkard pursuant to sections 1708-1715, Remington's Revised Statutes, or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this title.~~

~~(16))~~ (16) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

~~((17))~~ (16) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((18))~~ (17) "Malt liquor" means beer, strong beer, ale, stout and porter.

~~((19))~~ (18) "Package" means any container or receptacle used for holding liquor.

~~((20))~~ (19) "Permit" means a permit for the purchase of liquor under this title.

~~((21))~~ (20) "Person" means an individual, copartnership, association, or corporation.

~~((22))~~ (21) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to ~~((sections 10008-10025, Remington's Revised Statutes))~~ chapter 18.71 RCW.

~~((23))~~ (22) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((24))~~ (23) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((25))~~ (24) "Regulations" means regulations made by the board under the powers conferred by this title.

~~((26))~~ (25) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

~~((27))~~ (26) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

~~((28))~~ (27) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

~~((29))~~ (28) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

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

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

~~((32))~~ (31) "Vendor" means a person employed by the board as a store manager under this title.

~~((33))~~ (32) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((34))~~ (33) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((35))~~ (34) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

~~((36))~~ (35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

~~((37))~~ (36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 4. Section 4, chapter 289, Laws of 1955 and RCW 66.44.140 are each amended to read as follows:

Every person who shall sell or offer for sale, or transport in any manner, any spirituous liquor, without government stamp or seal attached thereto, or who shall operate (~~(or shall have in his possession)~~) without a license, any still or other device for the production of spirituous liquor, or shall have in his possession or under his control any mash capable of being distilled into spirituous liquor except as provided in section 2 of this 1980 act, shall be guilty of a gross misdemeanor and upon conviction thereof shall upon his first conviction be fined not less than five hundred dollars and confined in the county jail not less than six months, and upon second and subsequent conviction shall be fined not less than one thousand dollars and confined in the county jail not less than one year.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 4, 1980.

Passed the Senate February 28, 1980.

Approved by the Governor March 13, 1980.

Filed in Office of Secretary of State March 13, 1980.

CHAPTER 141

[House Bill No. 1643]

COMMON SCHOOL PLANT FACILITIES CONSTRUCTION BOND ISSUE— APPROPRIATION

AN ACT Relating to the common schools; providing for the construction of common school plant facilities and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter to Title 28A RCW; repealing section 1, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.010; repealing section 2, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.020; repealing section 3, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.030; repealing section 4, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.040; repealing section 5, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.050; repealing section 6, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.060; repealing section 7, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.070; repealing section 8, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.080; repealing section 9, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.090; repealing section 10, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.100; repealing section 11, chapter 241, Laws of 1979 ex. sess. and RCW 28A.47A.110; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars or so much thereof as may be required to provide state