

Subject to
examination.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the Chief of the Washington State Patrol at any time during their retirement from active duty for the purpose of ascertaining whether or not they are able to resume active duty.

Repeals.

SEC. 2. Chapter 78, Laws of 1939 and chapter 95, Laws of 1941 (sections 6362-62, 6362-63 and 6362-64, Remington's Revised Statutes) are hereby repealed.

Effective
April 1, 1943.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1943.

Passed the House March 9, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 216.

[H. B. 141.]

REGULATING INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors; granting certain powers to the Washington State Liquor Control Board; providing a method for the collection of revenue; amending section 9, chapter 62, Laws of 1933, Extraordinary Session (section 7306-9, Remington's Revised Statutes, Supplement), section 24-A, chapter 62, Laws of 1933, Extraordinary Session as enacted in and by section 3, chapter 158, Laws of 1935 and amended by section 3, chapter 172, Laws of 1939 (section 7306-24-A, Remington's Revised Statutes, Supplement) and section 33, chapter 62, Laws of 1933, Extraordinary Session, as amended by section 5, chapter 174, Laws of 1935 (section 7306-33, Remington's Revised Statutes, Supplement) and declaring an emergency.

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

Amendments.

SECTION 1. Section 9, chapter 62, Laws of 1933, Extraordinary Session (section 7306-9, Remington's Revised Statutes, Supplement) is amended to read as follows:

Section 9. The Board may in its discretion by regulation prescribe that any or all liquors other than malt liquor shall be delivered to any purchaser at a state liquor store only in a package sealed with the official seal.

May
prescribe
official seal.

SEC. 2. Section 24-A, chapter 62, Laws of 1933, Extraordinary Session as enacted in and by section 3, chapter 158, Laws of 1935 and amended by section 3, chapter 172, Laws of 1939 (section 7306-24-A, Remington's Revised Statutes, Supplement) is amended to read as follows:

Amendments

Section 24-A. 1. Within the meaning of this act the term "domestic wines" shall mean wines manufactured or produced within the State of Washington in a licensed domestic winery from fruits or fruit products grown exclusively and entirely within the State of Washington.

"Domestic
wines"
defined.

2. All wines manufactured or produced in domestic wineries may be sold by the manufacturer or producer thereof direct to persons holding licenses entitling them to sell wine at retail under the provisions of this act, or to licensed domestic wine wholesalers or to licensed domestic wineries. There is hereby imposed upon all wines manufactured or produced in domestic wineries and sold to retail licensees within the state a tax of ten cents per wine gallon: *Provided, however,* That wine sold or shipped in bulk from one domestic winery to another domestic winery shall not be subject to such gallonage tax. The tax herein provided for may, if so prescribed by the Board, be collected by means of stamps to be furnished by the Board, or by direct payments based on gallonage sales. Every person selling wine under the provisions of this section shall report all sales to the Board in such manner, at such times and upon such forms as may be prescribed by the Board in accordance with section 25, and with such report shall pay the tax due from the

May sell
direct to
licensees.

Tax
imposed.

Rate of tax.
Proviso.

May
prescribe
stamp tax.

Sellers to
report.

Collection
of tax.

sales covered by such report unless the same has previously been paid. If this tax be collected by means of stamps, every such person shall procure from the Board revenue stamps representing the tax in such form as the Board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the Board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products grown in the state under this section shall be guilty of a violation of this act, and his license shall be summarily cancelled by the Board. If the tax is not collected by means of stamps, the Board may require that every such person shall execute to and file with the Board a bond to be approved by the Board, in such amount as the Board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the Board may forthwith suspend or cancel his license until all taxes are paid.

Penalty.

Loss of
license.

Bond.

Amend-
ments.

SEC. 3. Section 33, chapter 62, Laws of 1933, Extraordinary Session, as amended by section 5, chapter 174, Laws of 1935 (section 7306-33, Remington's Revised Statutes, Supplement) is amended to read as follows:

No liquor
without seal.

Section 33. 1. Except as permitted by the Board, no liquor shall be kept or had by any person within the state unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal adopted by the Board, except in the case of

Exceptions.

- a. liquor imported by the Liquor Control Board; or
- b. liquor manufactured in the state for sale to the Liquor Control Board or for export; or

c. beer purchased in accordance with the provisions of this act; or

d. wine, beer or liquor exempted in section 32.

2. If, upon the sworn complaint of any person, it shall be made to appear to any Judge of the Superior Court, Justice of the Peace or Magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such Judge, Justice of the Peace or Magistrate shall, with or without the approval of the Prosecuting Attorney, issue a warrant directed to a civil officer of the State of Washington duly authorized to enforce or assist in enforcing any law thereof, or to an Inspector of the Washington State Liquor Control Board, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor, and to safely keep the same, and to make a return of said warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant, together with a detailed receipt for the property taken shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant and receipt shall be left in a conspicuous place upon the premises wherein the same are found; and all liquor seized pursuant to the authority of such warrant

Courts to
issue search
warrants.

Search and
seizure.

Make return.

Service of
warrant.

Seized liquor forfeited.	shall, upon adjudication that it was kept in violation of this act, be <i>ipso facto</i> forfeited and upon such forfeiture be delivered to the Washington State Liquor Control Board.
Time of hearing.	3. Upon the return of the warrant as provided herein the Judge, Justice of the Peace or Magistrate shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of said return, when he shall proceed to hear and determine whether or not the articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this act. At such hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed and that the same were not used in the violation of any of the provisions of this act, and were not in any manner kept or possessed with the intention of violating any of the provisions of this act. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the Judge, Justice of the Peace or Magistrate shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: <i>Provided, however,</i> That if in the opinion of the Judge, Justice of the Peace or Magistrate, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such Judge, Justice of the Peace or Magistrate shall, as a part of the order and judgment, direct that said articles other than intoxicating liquor shall be sold as upon execution by the officer having them in custody and the proceeds of such sale after payment of all costs in this proceeding shall be paid into the Liquor Revolving Fund.
Procedure.	
Judgment.	
Forfeited articles may be sold.	
Disposition of proceeds.	

Action under this section and the forfeiture, destruction or sale of any articles thereunder shall not be a bar to any prosecution under any other provision or provisions of this act.

No bar to prosecution.

Passed the House February 15, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 217.

[H. B. 150.]

BANK EXAMINERS.

AN ACT relating to banking; prescribing the oath and official bond of bank examiners, and amending section 3, chapter 80, Laws of 1917, as amended by section 3, chapter 209, Laws of 1919 (sec. 3210, Rem. Rev. Stat.).

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

SECTION 1. That section 3, chapter 80, Laws of 1917, as amended by section 3, chapter 209, Laws of 1919 (sec. 3210, Rem. Rev. Stat.) be amended to read as follows:

Amendments.

Section 3. Before entering upon his office each Bank Examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the Governor in such sum as may be deemed necessary by the Administrative Board, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state. Such oaths and bonds shall be filed with the Secretary of State. Neither the Supervisor of Banking, any Deputy Supervisor nor any Bank Examiner shall be personally liable for any act

Oath of examiner.

Bond.

File with Secretary of State.