

other, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination.

Passed the Senate February 28, 1947.

Passed the House March 9, 1947.

Approved by the Governor March 17, 1947.

CHAPTER 144.

[H. B. 9.]

RELATING TO INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquor, making unlawful the sale of beer and wine by the drink in certain locations and amending section 27, chapter 62, Laws Ex. Ses. 1933 as amended by section 3, chapter 174, Laws of 1935 (sec. 7306-27, Rem. Rev. Stat.; sec. 678-185, PPC).

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

SECTION 1. Section 27, chapter 62, Laws Ex. Ses. 1933 as amended by section 3, chapter 174, Laws of 1935 (sec. 7306-27, Rem. Rev. Stat.; sec. 678-185, PPC) is amended to read as follows:

Section 27. 1. Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the holder thereof allow any other person to use the license.

License not transferable.

2. For the purpose of considering any application for a license, the Board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The Board may, in its discretion, grant or refuse the license applied for: *Provided*, That no retail license of any kind shall be issued to:

Inspection.

License discretionary with Board.

1. A person who is not a citizen of the United States, except when in contravention of treaty;

License not to be issued to: Alien.

2. A person who has not resided in the State of Washington for at least one year prior to making application, except in cases of licenses issued to dining places on railroads, boats or aeroplanes; Non-resident.
3. A person who has been convicted of a felony within 5 years prior to filing his application; Exception.
4. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license, as provided in this section; Felon.
5. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee; Co-partnership unless all members qualified.
6. A person who has been convicted of a violation of any Federal or state law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this act or shall have forfeited his bond to appear in court to answer charges for any such violation; Person, unless his manager or agent is qualified.
7. A corporation, unless all of the officers thereof are citizens of the United States. Person convicted of violating liquor laws or forfeiting bond.
2. A. The Board may, in its discretion, with or without hearing, suspend or cancel any license; and all rights of the licensee to keep or sell beer or other liquors thereunder shall be suspended or terminated, as the case may be. In any case where the Board in its discretion grants a hearing, said hearing shall be summary and upon oral or written testimony. The Board may appoint examiners, who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the Board may adopt. Corporation, unless all officers are citizens.
- Witnesses may, in the discretion of the Board, be allowed fees at the rate of two dollars (\$2.00) per day, plus five cents per mile each way. Fees need Suspension or cancellation.

not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

Superior court may compel obedience.

In case of disobedience of any person to comply with the order of the Board or a subpoena issued by the Board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the Judge of the Superior Court of the county in which the person resides, on application of any member of the Board or Examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

Delivery of license to Board on notice.

3. Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the Board. Where the license has been suspended only, the Board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The Board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

Return of license.

Notification to vendors.

Deliveries prohibited.

License expiration.

4. Unless sooner cancelled, every license issued by the Board shall expire at midnight of the 30th day of September of the fiscal year for which the license was issued.

Licenses subject to regulation.

5. Every license issued under this section shall be subject to all conditions and restrictions imposed by this act or by the regulations in force from time to time.

Posting of license.

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

7. Before the Board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the Board of County Commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the Board of County Commissioners or the official or employee, selected by it, shall have the right to file with the Board within ten days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the Board, after the Board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this act the Board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the Board of County Commissioners if the license is granted outside the boundaries of incorporated cities or towns.

Notice of application to be given local officials.

Objections may be filed.

Arguments in support of objections.

Notice of argument.

Copy of license to local officials.

8. Before the Board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: *Provided*, That on and after the effective date of this act, the Board shall issue no beer retailer license Class A, B, or D or wine retailer license Class C covering any premises not now licensed, if such premises are within five hundred (500) feet of the premises of any church, parochial or tax-supported public elemen-

Location of business.

Proximity to churches and schools.

tary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the Board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred (500) feet of said proposed licensed premises, indicating to the Board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

Transfers
of existing
licenses
authorized.

9. The restrictions set forth in the preceding sub-section shall not prohibit the Board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: *Provided*, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Passed the House March 6, 1947.

Passed the Senate March 5, 1947.

Approved by the Governor March 17, 1947.