

amendatory act, or its applicaton 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 House February 20, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 70

[Engrossed House Bill No. 267]

INTOXICATING LIQUOR

LICENSES--TRANSFERS--RESIDENCE

AN ACT Relating to intoxicating liquor; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.010; amending section 23U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.025; repealing section 1, chapter 153, Laws of 1937 and RCW 66.24.110; and providing an effective date.

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

Section 1. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and ~~((no license shall be transferable; nor shall))~~ the holder thereof shall not allow any other person to use the license.

(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. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

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

(c) A person who has been convicted of a felony within five years prior to filing his application;

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

(e) 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;

(f) A corporation, unless all of the officers thereof are citizens of the United States.

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

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

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.

(4) 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.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued.

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

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

(8) 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 title 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.

(9) 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 feet of the premises of any church, parochial or tax-supported public elementary 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 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.

(10) The restrictions set forth in the preceding subsection 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.

Sec. 2. Section 23U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.025 are each amended to read as follows:

The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: PROVIDED, HOWEVER, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be ((ten)) thirty-five dollars.

NEW SECTION. Sec. 3. Section 1, chapter 153, Laws of 1937 and RCW 66.24.110 are each repealed.

NEW SECTION. Sec. 4. The effective date of this 1971 amendatory act is July 1, 1971.

Passed the House February 16, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 71

[Engrossed Senate Bill No. 97]

COUNTY OFFICIALS--

OFFICIAL BONDS

AN ACT Relating to county officials; providing for certain changes in official bonds; and amending section 36.16.050, chapter 4, Laws of 1963 as amended by section 91, chapter 176, Laws of 1969 ex. sess. and RCW 36.16.050.

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

Section 1. Section 36.16.050, chapter 4, Laws of 1963 as amended by section 91, chapter 176, Laws of 1969 ex. sess. and RCW 36.16.050 are each amended to read as follows:

Every county official before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows: