S-1250.1

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**SUBSTITUTE SENATE BILL 5167**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senator O'Ban)

AN ACT Relating to the local option prohibition on the sale of liquor; and amending RCW 66.40.010 and 66.40.030.

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

**Sec.**  RCW 66.40.010 and 1957 c 263 s 3 are each amended to read as follows:

(1) For ((~~the purpose of~~)) an election upon the question of whether the sale of liquor((~~s shall be~~)) is permitted, the election unit ((~~shall~~)) must be any ((~~incorporated~~)) city or town, or ((~~all~~)) that portion of any county not ((~~included~~)) within ((~~the limits of incorporated~~)) cities and towns.

(2) This section is subject to the exception specified in RCW 66.40.030(2).

**Sec.**  RCW 66.40.030 and 2009 c 271 s 9 are each amended to read as follows:

(1) Within any ((~~unit referred to in RCW 66.40.010, there may be held a separate election~~)) election unit referred to in RCW 66.40.010, subject to the exception specified in subsection (2) of this section, a separate election may be held upon the question of whether the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses, ((~~shall~~)) must be permitted within ((~~such~~)) the election unit. The conditions and procedure for holding ((~~such~~)) the election ((~~shall be those~~)) are prescribed by RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110, and 66.40.120. Whenever a majority of qualified voters voting upon ((~~said~~)) the question in ((~~any such~~)) the election unit ((~~shall have voted~~)) vote "against the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses," the county auditor ((~~shall~~)) must file with the liquor control board a certificate showing the result of the canvass at ((~~such~~)) the election((~~; and after~~)). Ninety days ((~~from and~~)) after the date of ((~~the~~)) that canvass, it ((~~shall not be lawful~~)) is unlawful for licensees to maintain and operate premises within the election unit licensed under spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses.

(2) The addition after an election under subsection (1) of this section of new territory to ((~~a city, town, or county,~~)) the election unit by annexation, disincorporation, or otherwise((~~, shall~~)) does not extend the prohibition against the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses to the new territory. Furthermore, the new territory is not: (a) Within the election unit in any subsequent election under subsection (1) of this section; or (b) subject to any prohibition adopted pursuant to any subsequent election under subsection (1) of this section.

(3) Elections held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120, and 66.40.140((~~, shall be~~)) are limited to the question of whether the sale of liquor by means other than under spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses ((~~shall be~~)) is permitted within ((~~such~~)) the election unit.

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