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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)

READ FIRST TIME 02/20/15.

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

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

4            **Sec. 1.** RCW 66.40.010 and 1957 c 263 s 3 are each amended to  
5 read as follows:

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

11            (2) This section is subject to the exception specified in RCW  
12 66.40.030(2).

13            **Sec. 2.** RCW 66.40.030 and 2009 c 271 s 9 are each amended to  
14 read as follows:

15            (1) Within any ~~((unit referred to in RCW 66.40.010, there may be~~  
16 held a separate election)) election unit referred to in RCW  
17 66.40.010, subject to the exception specified in subsection (2) of  
18 this section, a separate election may be held upon the question of  
19 whether the sale of liquor under spirits, beer, and wine restaurant;  
20 spirits, beer, and wine private club; spirits, beer, and wine

1 nightclub; and sports entertainment facility licenses, (~~shall~~) must  
2 be permitted within (~~such~~) the election unit. The conditions and  
3 procedure for holding (~~such~~) the election (~~shall be those~~) are  
4 prescribed by RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110, and  
5 66.40.120. Whenever a majority of qualified voters voting upon  
6 (~~said~~) the question in (~~any such~~) the election unit (~~shall have~~  
7 ~~voted~~) vote "against the sale of liquor under spirits, beer, and  
8 wine restaurant; spirits, beer, and wine private club; spirits, beer,  
9 and wine nightclub; and sports entertainment facility licenses," the  
10 county auditor (~~shall~~) must file with the liquor control board a  
11 certificate showing the result of the canvass at (~~such~~) the  
12 election(~~; and after~~). Ninety days (~~from and~~) after the date of  
13 (~~the~~) that canvass, it (~~shall not be lawful~~) is unlawful for  
14 licensees to maintain and operate premises within the election unit  
15 licensed under spirits, beer, and wine restaurant; spirits, beer, and  
16 wine private club; spirits, beer, and wine nightclub; and sports  
17 entertainment facility licenses.

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

29 (3) Elections held under RCW 66.40.010, 66.40.020, 66.40.040,  
30 66.40.100, 66.40.110, 66.40.120, and 66.40.140(~~, shall be~~) are  
31 limited to the question of whether the sale of liquor by means other  
32 than under spirits, beer, and wine restaurant; spirits, beer, and  
33 wine private club; spirits, beer, and wine nightclub; and sports  
34 entertainment facility licenses (~~shall be~~) is permitted within  
35 (~~such~~) the election unit.

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