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**SENATE BILL 5167**

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

**By** Senator O'Ban

AN ACT Relating to the local option prohibition on the sale of liquor; and amending RCW 66.08.120 and 66.40.130.

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

**Sec.**  RCW 66.08.120 and 1933 ex.s. c 62 s 29 are each amended to read as follows:

(1) No municipality or county ((~~shall have~~))has the power to license the sale of, or impose an excise tax upon, liquor as defined in this title, or to license the sale or distribution ((~~thereof~~))of liquor in any manner((~~; and any power now conferred by law on any municipality or county to license premises which may be licensed under this section, or to impose an excise tax upon liquor, or to license the sale and distribution thereof, as defined in this title, shall be suspended and shall be of no further effect: PROVIDED, That~~)).

(2) Notwithstanding subsection (1) of this section, municipalities and counties ((~~shall~~)) have the power to:

(a) Adopt police ordinances and regulations not in conflict with this title or with the regulations made by the board; and

(b) Repeal a local option prohibition on the sale of liquor adopted pursuant to chapter 64.40 RCW, but no earlier than two years after voter approval of the prohibition.

**Sec.**  RCW 66.40.130 and 2009 c 271 s 10 are each amended to read as follows:

((~~Ninety days after December 2, 1948,~~))(1) Spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility licenses may be issued in any election unit ((~~in which the sale of liquor is then lawful. No spirits, beer, and wine restaurant; spirits, beer, and wine private club; spirits, beer, and wine nightclub; and sports entertainment facility license shall be issued in any election unit in which~~)), unless the sale of liquor is forbidden ((~~as the result of~~))pursuant to an election 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((~~, unless a majority of the qualified electors in such election unit voting upon this initiative at the general election in November, 1948, vote in favor of this initiative, or unless~~)).

(2) A prohibition on the sale of liquor adopted pursuant to an election 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 may be repealed:

(a) If, at a subsequent general election in which 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 be permitted within such unit is submitted to the electorate, as provided in RCW 66.40.030, a majority of the qualified electors voting upon such question vote "for 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((~~.~~))"; or

(b) By the legislative authority of the election unit, but no earlier than two years after voter approval of the prohibition.

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