
SENATE BILL 6357

State of Washington

53rd Legislature

1994 Regular Session

By Senator Quigley

Read first time 01/20/94. Referred to Committee on Government Operations.

1 AN ACT Relating to the creation of the liquor control agency;
2 amending RCW 66.04.010, 66.08.020, 66.08.030, 66.08.150, 10.93.020,
3 19.02.050, and 43.82.010; reenacting and amending RCW 43.17.010,
4 43.17.020, and 42.17.2401; adding new sections to chapter 66.08 RCW;
5 creating new sections; repealing RCW 66.08.012, 66.08.014, 66.08.016,
6 and 66.08.050; and providing an effective date.

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

8 **Sec. 1.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
9 as follows:

10 In this title, unless the context otherwise requires:

11 (1) "Agency" means the liquor control agency, the state agency
12 established under section 2 of this act.

13 (2) "Alcohol" is that substance known as ethyl alcohol, hydrated
14 oxide of ethyl, or spirit of wine, which is commonly produced by the
15 fermentation or distillation of grain, starch, molasses, or sugar, or
16 other substances including all dilutions and mixtures of this
17 substance. The term "alcohol" does not include alcohol in the
18 possession of a manufacturer or distiller of alcohol fuel, as described
19 in RCW 66.12.130, which is intended to be denatured and used as a fuel

1 for use in motor vehicles, farm implements, and machines or implements
2 of husbandry.

3 ~~((+2))~~ (3) "Beer" means any malt beverage or malt liquor as these
4 terms are defined in this chapter.

5 ~~((+3))~~ (4) "Brewer" means any person engaged in the business of
6 manufacturing beer and malt liquor.

7 ~~((+4) "Board" means the liquor control board, constituted under
8 this title.)~~

9 (5) "Club" means an organization of persons, incorporated or
10 unincorporated, operated solely for fraternal, benevolent, educational,
11 athletic or social purposes, and not for pecuniary gain.

12 (6) "Consume" includes the putting of liquor to any use, whether by
13 drinking or otherwise.

14 (7) "Dentist" means a practitioner of dentistry duly and regularly
15 licensed and engaged in the practice of his or her profession within
16 the state pursuant to chapter 18.32 RCW.

17 (8) "Director" means the director of the liquor control agency.

18 (9) "Distiller" means a person engaged in the business of
19 distilling spirits.

20 ~~((+9))~~ (10) "Druggist" means any person who holds a valid
21 certificate and is a registered pharmacist and is duly and regularly
22 engaged in carrying on the business of pharmaceutical chemistry
23 pursuant to chapter 18.64 RCW.

24 ~~((+10))~~ (11) "Drug store" means a place whose principal business
25 is, the sale of drugs, medicines and pharmaceutical preparations and
26 maintains a regular prescription department and employs a registered
27 pharmacist during all hours the drug store is open.

28 ~~((+11))~~ (12) "Employee" means any person employed by the ~~((board))~~
29 director, including a vendor, as hereinafter in this section defined.

30 ~~((+12))~~ (13) "Fund" means 'liquor revolving fund.'

31 ~~((+13))~~ (14) "Hotel" means every building or other structure kept,
32 used, maintained, advertised or held out to the public to be a place
33 where food is served and sleeping accommodations are offered for pay to
34 transient guests, in which twenty or more rooms are used for the
35 sleeping accommodation of such transient guests and having one or more
36 dining rooms where meals are served to such transient guests, such
37 sleeping accommodations and dining rooms being conducted in the same
38 building and buildings, in connection therewith, and such structure or
39 structures being provided, in the judgment of the ~~((board))~~ director,

1 with adequate and sanitary kitchen and dining room equipment and
2 capacity, for preparing, cooking and serving suitable food for its
3 guests: PROVIDED FURTHER, That in cities and towns of less than five
4 thousand population, the (~~board~~) director shall have authority to
5 waive the provisions requiring twenty or more rooms.

6 (~~(14)~~) (15) "Imprisonment" means confinement in the county jail.

7 (~~(15)~~) (16) "Liquor" includes the four varieties of liquor herein
8 defined (alcohol, spirits, wine and beer), and all fermented,
9 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
10 liquor, a part of which is fermented, spirituous, vinous or malt
11 liquor, or otherwise intoxicating; and every liquid or solid or
12 semisolid or other substance, patented or not, containing alcohol,
13 spirits, wine or beer, and all drinks or drinkable liquids and all
14 preparations or mixtures capable of human consumption, and any liquid,
15 semisolid, solid, or other substance, which contains more than one
16 percent of alcohol by weight shall be conclusively deemed to be
17 intoxicating. Liquor does not include confections or food products
18 that contain one percent or less of alcohol by weight.

19 (~~(16)~~) (17) "Manufacturer" means a person engaged in the
20 preparation of liquor for sale, in any form whatsoever.

21 (~~(17)~~) (18) "Malt beverage" or "malt liquor" means any beverage
22 such as beer, ale, lager beer, stout, and porter obtained by the
23 alcoholic fermentation of an infusion or decoction of pure hops, or
24 pure extract of hops and pure barley malt or other wholesome grain or
25 cereal in pure water containing not more than eight percent of alcohol
26 by weight, and not less than one-half of one percent of alcohol by
27 volume. For the purposes of this title, any such beverage containing
28 more than eight percent of alcohol by weight shall be referred to as
29 "strong beer."

30 (~~(18)~~) (19) "Package" means any container or receptacle used for
31 holding liquor.

32 (~~(19)~~) (20) "Permit" means a permit for the purchase of liquor
33 under this title.

34 (~~(20)~~) (21) "Person" means an individual, copartnership,
35 association, or corporation.

36 (~~(21)~~) (22) "Physician" means a medical practitioner duly and
37 regularly licensed and engaged in the practice of his or her profession
38 within the state pursuant to chapter 18.71 RCW.

1 (~~(22)~~) (23) "Prescription" means a memorandum signed by a
2 physician and given by him or her to a patient for the obtaining of
3 liquor pursuant to this title for medicinal purposes.

4 (~~(23)~~) (24) "Public place" includes streets and alleys of
5 incorporated cities and towns; state or county or township highways or
6 roads; buildings and grounds used for school purposes; public dance
7 halls and grounds adjacent thereto; those parts of establishments where
8 beer may be sold under this title, soft drink establishments, public
9 buildings, public meeting halls, lobbies, halls and dining rooms of
10 hotels, restaurants, theatres, stores, garages and filling stations
11 which are open to and are generally used by the public and to which the
12 public is permitted to have unrestricted access; railroad trains,
13 stages, and other public conveyances of all kinds and character, and
14 the depots and waiting rooms used in conjunction therewith which are
15 open to unrestricted use and access by the public; publicly owned
16 bathing beaches, parks, and/or playgrounds; and all other places of
17 like or similar nature to which the general public has unrestricted
18 right of access, and which are generally used by the public.

19 (~~(24)~~) (25) "Regulations" or "rules" means (~~(regulations made)~~)
20 rules adopted under chapter 34.05 RCW by the (~~(board)~~) agency under the
21 powers conferred by this title.

22 (~~(25)~~) (26) "Restaurant" means any establishment provided with
23 special space and accommodations where, in consideration of payment,
24 food, without lodgings, is habitually furnished to the public, not
25 including drug stores and soda fountains.

26 (~~(26)~~) (27) "Sale" and "sell" include exchange, barter, and
27 traffic; and also include the selling or supplying or distributing, by
28 any means whatsoever, of liquor, or of any liquid known or described as
29 beer or by any name whatever commonly used to describe malt or brewed
30 liquor or of wine, by any person to any person; and also include a sale
31 or selling within the state to a foreign consignee or his or her agent
32 in the state. "Sale" and "sell" shall not include the giving, at no
33 charge, of a reasonable amount of liquor by a person not licensed by
34 the (~~(board)~~) agency to a person not licensed by the (~~(board)~~) agency,
35 for personal use only. "Sale" and "sell" also does not include a
36 raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit
37 organization conducting the raffle has obtained the appropriate permit
38 from the (~~(board)~~) agency.

1 (~~(27)~~) (28) "Soda fountain" means a place especially equipped
2 with apparatus for the purpose of dispensing soft drinks, whether mixed
3 or otherwise.

4 (~~(28)~~) (29) "Spirits" means any beverage which contains alcohol
5 obtained by distillation, including wines exceeding twenty-four percent
6 of alcohol by volume.

7 (~~(29)~~) (30) "Store" means a state liquor store established under
8 this title.

9 (~~(30)~~) (31) "Tavern" means any establishment with special space
10 and accommodation for sale by the glass and for consumption on the
11 premises, of beer, as herein defined.

12 (~~(31)~~) (32) "Vendor" means a person employed by the (~~board~~)
13 agency as a store manager under this title.

14 (~~(32)~~) (33) "Winery" means a business conducted by any person for
15 the manufacture of wine for sale, other than a domestic winery.

16 (~~(33)~~) (34) "Domestic winery" means a place where wines are
17 manufactured or produced within the state of Washington.

18 (~~(34)~~) (35) "Wine" means any alcoholic beverage obtained by
19 fermentation of fruits (grapes, berries, apples, et cetera) or other
20 agricultural product containing sugar, to which any saccharine
21 substances may have been added before, during or after fermentation,
22 and containing not more than twenty-four percent of alcohol by volume,
23 including sweet wines fortified with wine spirits, such as port,
24 sherry, muscatel and angelica, not exceeding twenty-four percent of
25 alcohol by volume and not less than one-half of one percent of alcohol
26 by volume. For purposes of this title, any beverage containing no more
27 than fourteen percent of alcohol by volume when bottled or packaged by
28 the manufacturer shall be referred to as "table wine," and any beverage
29 containing alcohol in an amount more than fourteen percent by volume
30 when bottled or packaged by the manufacturer shall be referred to as
31 "fortified wine." However, "fortified wine" shall not include: (a)
32 Wines that are both sealed or capped by cork closure and aged two years
33 or more; and (b) wines that contain more than fourteen percent alcohol
34 by volume solely as a result of the natural fermentation process and
35 that have not been produced with the addition of wine spirits, brandy,
36 or alcohol.

37 This subsection shall not be interpreted to require that any wine
38 be labeled with the designation "table wine" or "fortified wine."

1 (~~(35)~~) (36) "Beer wholesaler" means a person who buys beer from
2 a brewer or brewery located either within or beyond the boundaries of
3 the state for the purpose of selling the same pursuant to this title,
4 or who represents such brewer or brewery as agent.

5 (~~(36)~~) (37) "Wine wholesaler" means a person who buys wine from
6 a vintner or winery located either within or beyond the boundaries of
7 the state for the purpose of selling the same not in violation of this
8 title, or who represents such vintner or winery as agent.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.08 RCW
10 to read as follows:

11 There is an agency of state government known as the "Washington
12 state liquor control agency."

13 The executive head of the liquor control agency is the director.
14 The director is appointed by, and serves at the pleasure of, the
15 governor. The appointment of the director is subject to confirmation
16 by the senate. The director is paid a salary to be fixed by the
17 governor in accordance with RCW 43.03.040. The director shall have
18 management experience in a public agency and a business enterprise.

19 NEW SECTION. **Sec. 3.** All powers, duties, and functions vested by
20 law in the liquor control board are transferred to the director of the
21 liquor control agency, except those powers, duties, and functions which
22 are expressly directed to remain with the board. This transfer shall
23 take place January 1, 1995. This act does not create a new agency, but
24 renames the Washington state liquor control board and provides for a
25 new administrative structure within the renamed agency.

26 **Sec. 4.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to
27 read as follows:

28 The administration of this title, including the general control,
29 management, and supervision of all liquor stores, shall be vested in
30 the (~~(liquor control board, constituted under this title.)~~) director,
31 who shall carry out this administrative function in accordance with the
32 rules adopted under this title.

33 In addition to any other powers granted or transferred to the
34 director, the director shall have the following powers and duties as
35 may be necessary to carry out the purposes of this title:

- 1 (1) Supervise and administer the operations of the liquor control
2 agency in accordance with the provisions of this title;
- 3 (2) Appoint personnel and prescribe their duties;
- 4 (3) Enter into contracts on behalf of the agency;
- 5 (4) Accept and expend donations, grants, or other funds;
- 6 (5) Delegate powers, duties, and functions of the liquor control
7 agency to employees of the agency as the director deems necessary to
8 ensure efficient administration;
- 9 (6) Appoint advisory committees and undertake studies, research,
10 and analysis necessary to support activities of the agency; and
- 11 (7) Perform such other duties as are consistent with this title.

12 **Sec. 5.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to
13 read as follows:

14 (1) For the purpose of carrying into effect the provisions of this
15 title according to their true intent or of supplying any deficiency
16 therein, (~~the board may make such regulations~~) the director may adopt
17 those rules not inconsistent with the spirit of this title as are
18 deemed necessary or advisable. All (~~regulations~~) rules so made shall
19 be a public record and shall be filed in the office of the code
20 reviser, and thereupon shall have the same force and effect as if
21 incorporated in this title. Such (~~regulations~~) rules, together with
22 a copy of this title, shall be published in pamphlets and shall be
23 distributed as directed by the (~~board~~) director.

24 (2) Without thereby limiting the generality of the provisions
25 contained in subsection (1) of this section, it is declared that the
26 power of the (~~board to make regulations~~) director to adopt rules in
27 the manner set out in that subsection shall extend to:

28 (a) (~~regulating the equipment and management of stores and~~
29 ~~warehouses in which state liquor is sold or kept, and prescribing the~~
30 ~~books and records to be kept therein and the reports to be made thereon~~
31 ~~to the board;~~

32 (b) ~~prescribing the duties of the employees of the board, and~~
33 ~~regulating their conduct in the discharge of their duties;~~

34 (c)) Governing the purchase of liquor by the state and the
35 furnishing of liquor to stores established under this title;

36 (~~d~~) (b) Determining the classes, varieties, and brands of
37 liquor to be kept for sale at any store;

1 (~~(e)~~) (c) Prescribing, subject to RCW 66.16.080, the hours during
2 which the state liquor stores shall be kept open for the sale of
3 liquor;

4 (~~(f)~~) (d) Providing for the issuing and distributing of price
5 lists showing the price to be paid by purchasers for each variety of
6 liquor kept for sale under this title;

7 (~~(g)~~) (e) Prescribing an official seal and official labels and
8 stamps and determining the manner in which they shall be attached to
9 every package of liquor sold or sealed under this title, including the
10 prescribing of different official seals or different official labels
11 for different classes of liquor;

12 (~~(h)~~) (f) Providing for the payment by the (~~board~~) liquor
13 control agency in whole or in part of the carrying charges on liquor
14 shipped by freight or express;

15 (~~(i)~~) (g) Prescribing forms to be used for purposes of this title
16 or the (~~regulations~~) rules, and the terms and conditions to be
17 contained in permits and licenses issued under this title;

18 (~~(j)~~) (h) Prescribing the fees payable in respect of permits and
19 licenses issued under this title for which no fees are prescribed in
20 this title, and prescribing the fees for anything done or permitted to
21 be done under the (~~regulations~~) rules;

22 (~~(k)~~) (i) Prescribing the kinds and quantities of liquor which
23 may be kept on hand by the holder of a special permit for the purposes
24 named in the permit, regulating the manner in which the same shall be
25 kept and disposed of, and providing for the inspection of the same at
26 any time at the instance of the (~~board~~) director;

27 (~~(l)~~) (j) Regulating the sale of liquor kept by the holders of
28 licenses which entitle the holder to purchase and keep liquor for sale;

29 (~~(m)~~) (k) Prescribing the records of purchases or sales of liquor
30 kept by the holders of licenses, and the reports to be made thereon to
31 the (~~board~~) agency, and providing for inspection of the records so
32 kept;

33 (~~(n)~~) (l) Prescribing the kinds and quantities of liquor for
34 which a prescription may be given, and the number of prescriptions
35 which may be given to the same patient within a stated period;

36 (~~(o)~~) (m) Prescribing the manner of giving and serving notices
37 required by this title or the (~~regulations~~) rules, where not
38 otherwise provided for in this title;

1 (~~(p)~~) (n) Regulating premises in which liquor is kept for export
2 from the state, or from which liquor is exported, prescribing the books
3 and records to be kept therein and the reports to be made thereon to
4 the (~~board~~) agency, and providing for the inspection of the premises
5 and the books, records and the liquor so kept;

6 (~~(q)~~) (o) Prescribing the conditions and qualifications requisite
7 for the obtaining of club licenses and the books and records to be kept
8 and the returns to be made by clubs, prescribing the manner of
9 licensing clubs in any municipality or other locality, and providing
10 for the inspection of clubs;

11 (~~(r)~~) (p) Prescribing the conditions, accommodations, and
12 qualifications requisite for the obtaining of licenses to sell beer and
13 wines, and regulating the sale of beer and wines thereunder;

14 (~~(s)~~) (q) Specifying and regulating the time and periods when,
15 and the manner, methods, and means by which manufacturers shall deliver
16 liquor within the state; and the time and periods when, and the manner,
17 methods, and means by which liquor may lawfully be conveyed or carried
18 within the state;

19 (~~(t)~~) (r) Providing for the making of returns by brewers of their
20 sales of beer shipped within the state, or from the state, showing the
21 gross amount of such sales and providing for the inspection of brewers'
22 books and records, and for the checking of the accuracy of any such
23 returns;

24 (~~(u)~~) (s) Providing for the making of returns by the wholesalers
25 of beer whose breweries are located beyond the boundaries of the state;

26 (~~(v)~~) (t) Providing for the making of returns by any other liquor
27 manufacturers, showing the gross amount of liquor produced or
28 purchased, the amount sold within and exported from the state, and to
29 whom so sold or exported, and providing for the inspection of the
30 premises of any such liquor manufacturers, their books and records, and
31 for the checking of any such return;

32 (~~(w)~~) (u) Providing for the giving of fidelity bonds by any or
33 all of the employees of the (~~board~~) liquor control agency: PROVIDED,
34 That the premiums therefor shall be paid by the (~~board~~) agency;

35 (~~(x)~~) (v) Providing for the shipment by mail or common carrier of
36 liquor to any person holding a permit and residing in any unit which
37 has, by election pursuant to this title, prohibited the sale of liquor
38 therein;

1 (~~(y)~~) (w) Prescribing methods of manufacture, conditions of
2 sanitation, standards of ingredients, quality, and identity of
3 alcoholic beverages manufactured, sold, bottled, or handled by
4 licensees and the (~~board~~) liquor control agency; and conducting from
5 time to time, in the interest of the public health and general welfare,
6 scientific studies and research relating to alcoholic beverages and the
7 use and effect thereof; and

8 (~~(z)~~) (x) Seizing, confiscating, and destroying all alcoholic
9 beverages manufactured, sold, or offered for sale within this state
10 which do not conform in all respects to the standards prescribed by
11 this title or the (~~regulations~~) rules of the (~~board~~) agency:
12 PROVIDED, Nothing (~~herein contained~~) in this section shall be
13 construed as authorizing the liquor (~~board~~) control agency to
14 prescribe, alter, limit, or in any way change the present law as to the
15 quantity or percentage of alcohol used in the manufacturing of wine or
16 other alcoholic beverages.

17 NEW SECTION. Sec. 6. A new section is added to chapter 66.08 RCW
18 to read as follows:

19 The director, subject to the provisions of this title and the rules
20 adopted under this title, shall:

21 (1) Establish all necessary warehouses for the storing and
22 bottling, diluting and rectifying of stocks of liquors for the purposes
23 of this title;

24 (2) Provide for the leasing for periods not to exceed ten years of
25 all premises required for the conduct of the business; and for
26 remodeling the same, and the procuring of their furnishings, fixtures,
27 and supplies; and for obtaining options of renewal of such leases by
28 the lessee. The terms of such leases in all other respects shall be
29 subject to the direction of the director;

30 (3) Execute or cause to be executed, all contracts, papers, and
31 documents in the name of the agency, under such rules as the agency may
32 fix;

33 (4) Pay all customs, duties, excises, charges and obligations
34 whatsoever relating to the business of the agency;

35 (5) Require bonds from all employees in the discretion of the
36 director, and to determine the amount of fidelity bond of each such
37 employee;

1 (6) Perform services for the state lottery commission to such
2 extent, and for such compensation, as may be mutually agreed upon
3 between the director and the commission;

4 (7) Perform all other matters and things, whether similar to the
5 foregoing or not, to carry out the provisions of this title, and shall
6 have full power to do each and every act necessary to the conduct of
7 its business, including all buying, selling, preparation and approval
8 of forms, and every other function of the business whatsoever, subject
9 only to audit by the state auditor: PROVIDED, That the director shall
10 have no authority to regulate the content of spoken language on
11 licensed premises where wine and other liquors are served and where
12 there is not a clear and present danger of disorderly conduct being
13 provoked by such language;

14 (8) Determine the localities within which state liquor stores shall
15 be established throughout the state, and the number and situation of
16 the stores within each locality;

17 (9) Appoint in cities and towns and other communities, in which no
18 state liquor store is located, liquor vendors. Such liquor vendors
19 shall be agents of the liquor control agency and be authorized to sell
20 liquor to such persons, firms, or corporations as provided for the sale
21 of liquor from a state liquor store, and such vendors shall be subject
22 to such additional rules consistent with this title; and

23 (10) Determine the nature, form and capacity of all packages to be
24 used for containing liquor kept for sale under this title.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 66.08 RCW
26 to read as follows:

27 The director shall prepare, update, and execute an integrated
28 liquor plan that includes, but is not limited to, the following
29 elements:

30 (1) A program to achieve efficiencies and ensure operational
31 integration of regulatory, merchandising, and administrative services;

32 (2) A program of public and consumer information and coordination
33 with other public agencies and private organizations that emphasizes
34 alcohol abuse prevention and responsible consumption; and

35 (3) A strategy for implementation of the plan.

36 **Sec. 8.** RCW 66.08.150 and 1989 c 175 s 122 are each amended to
37 read as follows:

1 The action, order, or decision of the ((board)) director as to any
2 denial of an application for the reissuance of a permit or license or
3 as to any revocation, suspension, or modification of any permit or
4 license shall be an adjudicative proceeding and subject to the
5 applicable provisions of chapter 34.05 RCW.

6 (1) An opportunity for a hearing may be provided an applicant for
7 the reissuance of a permit or license prior to the disposition of the
8 application, and if no such opportunity for a prior hearing is provided
9 then an opportunity for a hearing to reconsider the application must be
10 provided the applicant.

11 (2) An opportunity for a hearing must be provided a permittee or
12 licensee prior to a revocation or modification of any permit or license
13 and, except as provided in subsection (4) of this section, prior to the
14 suspension of any permit or license.

15 (3) No hearing shall be required until demanded by the applicant,
16 permittee, or licensee.

17 (4) The ((board)) director may summarily suspend a license or
18 permit for a period of up to thirty days without a prior hearing if it
19 finds that public health, safety, or welfare imperatively require
20 emergency action, and incorporates a finding to that effect in its
21 order; and proceedings for revocation or other action must be promptly
22 instituted and determined.

23 **Sec. 9.** RCW 10.93.020 and 1988 c 36 s 5 are each amended to read
24 as follows:

25 As used in this chapter, the following terms have the meanings
26 indicated unless the context clearly requires otherwise.

27 (1) "General authority Washington law enforcement agency" means any
28 agency, department, or division of a municipal corporation, political
29 subdivision, or other unit of local government of this state, and any
30 agency, department, or division of state government, having as its
31 primary function the detection and apprehension of persons committing
32 infractions or violating the traffic or criminal laws in general, as
33 distinguished from a limited authority Washington law enforcement
34 agency, and any other unit of government expressly designated by
35 statute as a general authority Washington law enforcement agency. The
36 Washington state patrol is a general authority Washington law
37 enforcement agency.

1 (2) "Limited authority Washington law enforcement agency" means any
2 agency, political subdivision, or unit of local government of this
3 state, and any agency, department, or division of state government,
4 having as one of its functions the apprehension or detection of persons
5 committing infractions or violating the traffic or criminal laws
6 relating to limited subject areas, including but not limited to, the
7 state departments of natural resources, (~~(fisheries)~~) fish and
8 wildlife, and social and health services, the state gambling
9 commission, the state lottery commission, the state parks and
10 recreation commission, the state utilities and transportation
11 commission, the state liquor control (~~(board)~~) agency, and the state
12 department of corrections.

13 (3) "General authority Washington peace officer" means any full-
14 time, fully compensated and elected, appointed, or employed officer of
15 a general authority Washington law enforcement agency who is
16 commissioned to enforce the criminal laws of the state of Washington
17 generally.

18 (4) "Limited authority Washington peace officer" means any full-
19 time, fully compensated officer of a limited authority Washington law
20 enforcement agency empowered by that agency to detect or apprehend
21 violators of the laws in some or all of the limited subject areas for
22 which that agency is responsible. A limited authority Washington peace
23 officer may be a specially commissioned Washington peace officer if
24 otherwise qualified for such status under this chapter.

25 (5) "Specially commissioned Washington peace officer", for the
26 purposes of this chapter, means any officer, whether part-time or full-
27 time, compensated or not, commissioned by a general authority
28 Washington law enforcement agency to enforce some or all of the
29 criminal laws of the state of Washington, who does not qualify under
30 this chapter as a general authority Washington peace officer for that
31 commissioning agency, specifically including reserve peace officers,
32 and specially commissioned full-time, fully compensated peace officers
33 duly commissioned by the states of Oregon or Idaho or any such peace
34 officer commissioned by a unit of local government of Oregon or Idaho.
35 A reserve peace officer is an individual who is an officer of a
36 Washington law enforcement agency who does not serve such agency on a
37 full-time basis but who, when called by the agency into active service,
38 is fully commissioned on the same basis as full-time peace officers to
39 enforce the criminal laws of the state.

1 (6) "Federal peace officer" means any employee or agent of the
2 United States government who has the authority to carry firearms and
3 make warrantless arrests and whose duties involve the enforcement of
4 criminal laws of the United States.

5 (7) "Agency with primary territorial jurisdiction" means a city or
6 town police agency which has responsibility for police activity within
7 its boundaries; or a county police or sheriff's department which has
8 responsibility with regard to police activity in the unincorporated
9 areas within the county boundaries; or a statutorily authorized port
10 district police agency or four-year state college or university police
11 agency which has responsibility for police activity within the
12 statutorily authorized enforcement boundaries of the port district,
13 state college, or university.

14 (8) "Primary commissioning agency" means (a) the employing agency
15 in the case of a general authority Washington peace officer, a limited
16 authority Washington peace officer, an Indian tribal peace officer, or
17 a federal peace officer, and (b) the commissioning agency in the case
18 of a specially commissioned Washington peace officer (i) who is
19 performing functions within the course and scope of the special
20 commission and (ii) who is not also a general authority Washington
21 peace officer, a limited authority Washington peace officer, an Indian
22 tribal peace officer, or a federal peace officer.

23 (9) "Primary function of an agency" means that function to which
24 greater than fifty percent of the agency's resources are allocated.

25 (10) "Mutual law enforcement assistance" includes, but is not
26 limited to, one or more law enforcement agencies aiding or assisting
27 one or more other such agencies through loans or exchanges of personnel
28 or of material resources, for law enforcement purposes.

29 **Sec. 10.** RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each
30 amended to read as follows:

31 (1) The legislature hereby directs the full participation by the
32 following agencies in the implementation of this chapter:

- 33 (a) Department of agriculture;
- 34 (b) Secretary of state;
- 35 (c) Department of social and health services;
- 36 (d) Department of revenue;
- 37 (e) Department of ((fisheries)) fish and wildlife;
- 38 (f) Department of employment security;

- 1 (g) Department of labor and industries;
- 2 (h) Department of community, trade, and economic development;
- 3 (i) Liquor control (~~board~~) agency;
- 4 (j) Department of health;
- 5 (k) Department of licensing;
- 6 (l) Utilities and transportation commission; and
- 7 (m) Other agencies as determined by the governor.

8 **Sec. 11.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
9 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

10 There shall be departments of the state government which shall be
11 known as (1) the department of social and health services, (2) the
12 department of ecology, (3) the department of labor and industries, (4)
13 the department of agriculture, (5) the department of fish and wildlife,
14 (6) the department of transportation, (7) the department of licensing,
15 (8) the department of general administration, (9) the department of
16 community, trade, and economic development, (10) the department of
17 veterans affairs, (11) the department of revenue, (12) the department
18 of retirement systems, (13) the department of corrections, (~~and~~) (14)
19 the department of health, (~~and~~) (15) the department of financial
20 institutions, and (16) the liquor control agency, which shall be
21 charged with the execution, enforcement, and administration of such
22 laws, and invested with such powers and required to perform such
23 duties, as the legislature may provide.

24 **Sec. 12.** RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18,
25 and 1993 c 280 s 19 are each reenacted and amended to read as follows:

26 There shall be a chief executive officer of each department to be
27 known as: (1) The secretary of social and health services, (2) the
28 director of ecology, (3) the director of labor and industries, (4) the
29 director of agriculture, (5) the director of fish and wildlife, (6) the
30 secretary of transportation, (7) the director of licensing, (8) the
31 director of general administration, (9) the director of community,
32 trade, and economic development, (10) the director of veterans affairs,
33 (11) the director of revenue, (12) the director of retirement systems,
34 (13) the secretary of corrections, (~~and~~) (14) the secretary of
35 health, (~~and~~) (15) the director of financial institutions, and (16)
36 the director of the liquor control agency.

1 Such officers, except the secretary of transportation, shall be
2 appointed by the governor, with the consent of the senate, and hold
3 office at the pleasure of the governor. The secretary of
4 transportation shall be appointed by the transportation commission as
5 prescribed by RCW 47.01.041.

6 **Sec. 13.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488,
7 and 1993 c 281 s 43 are each reenacted and amended to read as follows:

8 For the purposes of RCW 42.17.240, the term "executive state
9 officer" includes:

10 (1) The chief administrative law judge, the director of
11 agriculture, the administrator of the office of marine safety, the
12 administrator of the Washington basic health plan, the director of the
13 department of services for the blind, the director of the state system
14 of community and technical colleges, the director of community, trade,
15 and economic development, the secretary of corrections, the director of
16 ecology, the commissioner of employment security, the chairman of the
17 energy facility site evaluation council, the director of the energy
18 office, the secretary of the state finance committee, the director of
19 financial management, the director of fish and wildlife, the executive
20 secretary of the forest practices appeals board, the director of the
21 gambling commission, the director of general administration, the
22 secretary of health, the administrator of the Washington state health
23 care authority, the executive secretary of the health care facilities
24 authority, the executive secretary of the higher education facilities
25 authority, the executive secretary of the horse racing commission, the
26 executive secretary of the human rights commission, the executive
27 secretary of the indeterminate sentence review board, the director of
28 the department of information services, the director of the interagency
29 committee for outdoor recreation, the executive director of the state
30 investment board, the director of labor and industries, the director of
31 licensing, the director of the liquor control agency, the director of
32 the lottery commission, the director of the office of minority and
33 women's business enterprises, the director of parks and recreation, the
34 director of personnel, the executive director of the public disclosure
35 commission, the director of retirement systems, the director of
36 revenue, the secretary of social and health services, the chief of the
37 Washington state patrol, the executive secretary of the board of tax
38 appeals, (~~the director of trade and economic development,~~) the

1 secretary of transportation, the secretary of the utilities and
2 transportation commission, the director of veterans affairs, the
3 president of each of the regional and state universities and the
4 president of The Evergreen State College, each district and each campus
5 president of each state community college;

6 (2) Each professional staff member of the office of the governor;

7 (3) Each professional staff member of the legislature; and

8 (4) Central Washington University board of trustees, board of
9 trustees of each community college, each member of the state board for
10 community and technical colleges, state convention and trade center
11 board of directors, committee for deferred compensation, Eastern
12 Washington University board of trustees, Washington economic devel-
13 opment finance authority, The Evergreen State College board of
14 trustees, forest practices appeals board, forest practices board, gam-
15 bling commission, Washington health care facilities authority, each
16 member of the Washington health services commission, higher education
17 coordinating board, higher education facilities authority, horse racing
18 commission, state housing finance commission, human rights commission,
19 indeterminate sentence review board, board of industrial insurance
20 appeals, information services board, interagency committee for outdoor
21 recreation, state investment board, (~~liquor control board,~~) lottery
22 commission, marine oversight board, oil and gas conservation committee,
23 Pacific Northwest electric power and conservation planning council,
24 parks and recreation commission, personnel appeals board, board of
25 pilotage commissioners, pollution control hearings board, public
26 disclosure commission, public pension commission, shorelines hearing
27 board, public employees' benefits board, board of tax appeals,
28 transportation commission, University of Washington board of regents,
29 utilities and transportation commission, Washington state maritime
30 commission, Washington personnel resources board, Washington public
31 power supply system executive board, Washington State University board
32 of regents, Western Washington University board of trustees, and fish
33 and wildlife commission.

34 **Sec. 14.** RCW 43.82.010 and 1990 c 47 s 1 are each amended to read
35 as follows:

36 (1) The director of the department of general administration, on
37 behalf of the agency involved, shall purchase, lease, rent, or
38 otherwise acquire all real estate, improved or unimproved, as may be

1 required by elected state officials, institutions, departments,
2 commissions, boards, and other state agencies, or federal agencies
3 where joint state and federal activities are undertaken and may grant
4 easements and transfer, exchange, sell, lease, or sublease all or part
5 of any surplus real estate for those state agencies which do not
6 otherwise have the specific authority to dispose of real estate. This
7 section does not transfer financial liability for the acquired property
8 to the department of general administration.

9 (2) Except for real estate occupied by federal agencies, the
10 director shall determine the location, size, and design of any real
11 estate or improvements thereon acquired or held pursuant to subsection
12 (1) of this section.

13 (3) The director is authorized to purchase, lease, rent, or
14 otherwise acquire improved or unimproved real estate as owner or lessee
15 and to lease or sublet all or a part of such real estate to state or
16 federal agencies. The director shall charge each using agency its
17 proportionate rental which shall include an amount sufficient to pay
18 all costs, including, but not limited to, those for utilities,
19 janitorial and accounting services, and sufficient to provide for
20 contingencies; which shall not exceed five percent of the average
21 annual rental, to meet unforeseen expenses incident to management of
22 the real estate.

23 (4) If the director determines that it is necessary or advisable to
24 undertake any work, construction, alteration, repair, or improvement on
25 any real estate acquired pursuant to subsections (1) or (3) of this
26 section, the director shall cause plans and specifications thereof and
27 an estimate of the cost of such work to be made and filed in his office
28 and the state agency benefiting thereby is hereby authorized to pay for
29 such work out of any available funds: PROVIDED, That the cost of
30 executing such work shall not exceed the sum of twenty-five thousand
31 dollars. Work, construction, alteration, repair, or improvement in
32 excess of twenty-five thousand dollars, other than that done by the
33 owner of the property if other than the state, shall be performed in
34 accordance with the public works law of this state.

35 (5) In order to obtain maximum utilization of space, the director
36 shall make space utilization studies, and shall establish standards for
37 use of space by state agencies.

1 (6) The director may construct new buildings on, or improve
2 existing facilities, and furnish and equip, all real estate under his
3 management.

4 (7) All conveyances and contracts to purchase, lease, rent,
5 transfer, exchange, or sell real estate and to grant and accept
6 easements shall be approved as to form by the attorney general, signed
7 by the director or the director's designee, and recorded with the
8 county auditor of the county in which the property is located.

9 (8) The director may delegate any or all of the functions specified
10 in this section to any agency upon such terms and conditions as the
11 director deems advisable.

12 (9) This section does not apply to the acquisition of real estate
13 by:

14 (a) The state college and universities for research or experimental
15 purposes;

16 (b) The state liquor control (~~(board)~~) agency for liquor stores and
17 warehouses; and

18 (c) The department of natural resources, the department of
19 (~~(fisheries, the department of)~~) fish and wildlife, the department of
20 transportation, and the state parks and recreation commission for
21 purposes other than the leasing of offices, warehouses, and real estate
22 for similar purposes.

23 (10) Notwithstanding any provision in this chapter to the contrary,
24 the department of general administration may negotiate ground leases
25 for public lands on which property is to be acquired under a financing
26 contract pursuant to chapter 39.94 RCW under terms approved by the
27 state finance committee.

28 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 66.08.012 and 1961 c 307 s 7, 1949 c 5 s 8, 1945 c 208 s 1,
31 1937 c 225 s 1, & 1933 ex.s c 62 s 63;

32 (2) RCW 66.08.014 and 1986 c 105 s 1, 1949 c 5 s 9, 1947 c 113 s 1,
33 1945 c 208 s 2, & 1933 ex.s. c 62 s 64;

34 (3) RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s.
35 c 62 s 65; and

36 (4) RCW 66.08.050 and 1993 c 25 s 1, 1986 c 214 s 2, 1983 c 160 s
37 1, 1975 1st ex.s. c 173 s 1, 1969 ex.s. c 178 s 1, 1963 c 239 s 3, 1935
38 c 174 s 10, & 1933 ex.s. c 62 s 69.

1 NEW SECTION. **Sec. 16.** Nothing in this act requires the liquor
2 control agency to discard stationery or signs, rename its facilities or
3 stores, or incur similar expenses attributable to the renaming of the
4 agency.

5 NEW SECTION. **Sec. 17.** The code reviser shall prepare and present
6 to the 1995 legislature a bill which corrects references to the liquor
7 control board that are rendered inaccurate by this act.

8 NEW SECTION. **Sec. 18.** Sections 1 through 16 of this act shall
9 take effect July 1, 1995.

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