

CERTIFICATION OF ENROLLMENT

SENATE BILL 6491

Chapter 119, Laws of 2002

57th Legislature
2002 Regular Session

BACKGROUND CHECKS--LIQUOR CONTROL BOARD--GAMBLING COMMISSION

EFFECTIVE DATE: 6/13/02

Passed by the Senate February 16, 2002
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2002
YEAS 93 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6491** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 26, 2002

FILED

March 26, 2002 - 8:53 a.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6491

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senators Prentice and Winsley; by request of Gambling Commission and Liquor Control Board

Read first time 01/18/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to meeting federal standards for criminal
2 background checks for the liquor control board and the gambling
3 commission; and amending RCW 9.46.070, 66.08.030, 66.24.010, and
4 66.24.025.

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

6 **Sec. 1.** RCW 9.46.070 and 1999 c 143 s 6 are each amended to read
7 as follows:

8 The commission shall have the following powers and duties:

9 (1) To authorize and issue licenses for a period not to exceed one
10 year to bona fide charitable or nonprofit organizations approved by the
11 commission meeting the requirements of this chapter and any rules and
12 regulations adopted pursuant thereto permitting said organizations to
13 conduct bingo games, raffles, amusement games, and social card games,
14 to utilize punch boards and pull-tabs in accordance with the provisions
15 of this chapter and any rules and regulations adopted pursuant thereto
16 and to revoke or suspend said licenses for violation of any provisions
17 of this chapter or any rules and regulations adopted pursuant thereto:
18 PROVIDED, That the commission shall not deny a license to an otherwise
19 qualified applicant in an effort to limit the number of licenses to be

1 issued: PROVIDED FURTHER, That the commission or director shall not
2 issue, deny, suspend, or revoke any license because of considerations
3 of race, sex, creed, color, or national origin: AND PROVIDED FURTHER,
4 That the commission may authorize the director to temporarily issue or
5 suspend licenses subject to final action by the commission;

6 (2) To authorize and issue licenses for a period not to exceed one
7 year to any person, association, or organization operating a business
8 primarily engaged in the selling of items of food or drink for
9 consumption on the premises, approved by the commission meeting the
10 requirements of this chapter and any rules and regulations adopted
11 pursuant thereto permitting said person, association, or organization
12 to utilize punch boards and pull-tabs and to conduct social card games
13 as a commercial stimulant in accordance with the provisions of this
14 chapter and any rules and regulations adopted pursuant thereto and to
15 revoke or suspend said licenses for violation of any provisions of this
16 chapter and any rules and regulations adopted pursuant thereto:
17 PROVIDED, That the commission shall not deny a license to an otherwise
18 qualified applicant in an effort to limit the number of licenses to be
19 issued: PROVIDED FURTHER, That the commission may authorize the
20 director to temporarily issue or suspend licenses subject to final
21 action by the commission;

22 (3) To authorize and issue licenses for a period not to exceed one
23 year to any person, association, or organization approved by the
24 commission meeting the requirements of this chapter and meeting the
25 requirements of any rules and regulations adopted by the commission
26 pursuant to this chapter as now or hereafter amended, permitting said
27 person, association, or organization to conduct or operate amusement
28 games in such manner and at such locations as the commission may
29 determine;

30 (4) To authorize, require, and issue, for a period not to exceed
31 one year, such licenses as the commission may by rule provide, to any
32 person, association, or organization to engage in the selling,
33 distributing, or otherwise supplying or in the manufacturing of devices
34 for use within this state for those activities authorized by this
35 chapter;

36 (5) To establish a schedule of annual license fees for carrying on
37 specific gambling activities upon the premises, and for such other
38 activities as may be licensed by the commission, which fees shall
39 provide to the commission not less than an amount of money adequate to

1 cover all costs incurred by the commission relative to licensing under
2 this chapter and the enforcement by the commission of the provisions of
3 this chapter and rules and regulations adopted pursuant thereto:
4 PROVIDED, That all licensing fees shall be submitted with an
5 application therefor and such portion of said fee as the commission may
6 determine, based upon its cost of processing and investigation, shall
7 be retained by the commission upon the withdrawal or denial of any such
8 license application as its reasonable expense for processing the
9 application and investigation into the granting thereof: PROVIDED
10 FURTHER, That if in a particular case the basic license fee established
11 by the commission for a particular class of license is less than the
12 commission's actual expenses to investigate that particular
13 application, the commission may at any time charge to that applicant
14 such additional fees as are necessary to pay the commission for those
15 costs. The commission may decline to proceed with its investigation
16 and no license shall be issued until the commission has been fully paid
17 therefor by the applicant: AND PROVIDED FURTHER, That the commission
18 may establish fees for the furnishing by it to licensees of
19 identification stamps to be affixed to such devices and equipment as
20 required by the commission and for such other special services or
21 programs required or offered by the commission, the amount of each of
22 these fees to be not less than is adequate to offset the cost to the
23 commission of the stamps and of administering their dispersal to
24 licensees or the cost of administering such other special services,
25 requirements or programs;

26 (6) To prescribe the manner and method of payment of taxes, fees
27 and penalties to be paid to or collected by the commission;

28 (7) To require that applications for all licenses contain such
29 information as may be required by the commission: PROVIDED, That all
30 persons (a) having a managerial or ownership interest in any gambling
31 activity, or the building in which any gambling activity occurs, or the
32 equipment to be used for any gambling activity, or (b) participating as
33 an employee in the operation of any gambling activity, shall be listed
34 on the application for the license and the applicant shall certify on
35 the application, under oath, that the persons named on the application
36 are all of the persons known to have an interest in any gambling
37 activity, building, or equipment by the person making such application:
38 PROVIDED FURTHER, That the commission (~~may~~) shall require
39 fingerprinting and national criminal history background checks on any

1 persons seeking licenses, certifications, or permits under this chapter
2 or of any person holding an interest in any gambling activity,
3 building, or equipment to be used therefor, or of any person
4 participating as an employee in the operation of any gambling activity.
5 All national criminal history background checks shall be conducted
6 using fingerprints submitted to the United States department of
7 justice-federal bureau of investigation. The commission must establish
8 rules to delineate which persons named on the application are subject
9 to national criminal history background checks. In identifying these
10 persons, the commission must take into consideration the nature,
11 character, size, and scope of the gambling activities requested by the
12 persons making such applications;

13 (8) To require that any license holder maintain records as directed
14 by the commission and submit such reports as the commission may deem
15 necessary;

16 (9) To require that all income from bingo games, raffles, and
17 amusement games be recorded and reported as established by rule or
18 regulation of the commission to the extent deemed necessary by
19 considering the scope and character of the gambling activity in such a
20 manner that will disclose gross income from any gambling activity,
21 amounts received from each player, the nature and value of prizes, and
22 the fact of distributions of such prizes to the winners thereof;

23 (10) To regulate and establish maximum limitations on income
24 derived from bingo. In establishing limitations pursuant to this
25 subsection the commission shall take into account (i) the nature,
26 character, and scope of the activities of the licensee; (ii) the source
27 of all other income of the licensee; and (iii) the percentage or extent
28 to which income derived from bingo is used for charitable, as
29 distinguished from nonprofit, purposes. However, the commission's
30 powers and duties granted by this subsection are discretionary and not
31 mandatory;

32 (11) To regulate and establish the type and scope of and manner of
33 conducting the gambling activities authorized by this chapter,
34 including but not limited to, the extent of wager, money, or other
35 thing of value which may be wagered or contributed or won by a player
36 in any such activities;

37 (12) To regulate the collection of and the accounting for the fee
38 which may be imposed by an organization, corporation, or person

1 licensed to conduct a social card game on a person desiring to become
2 a player in a social card game in accordance with RCW 9.46.0282;

3 (13) To cooperate with and secure the cooperation of county, city,
4 and other local or state agencies in investigating any matter within
5 the scope of its duties and responsibilities;

6 (14) In accordance with RCW 9.46.080, to adopt such rules and
7 regulations as are deemed necessary to carry out the purposes and
8 provisions of this chapter. All rules and regulations shall be adopted
9 pursuant to the administrative procedure act, chapter 34.05 RCW;

10 (15) To set forth for the perusal of counties, city-counties,
11 cities and towns, model ordinances by which any legislative authority
12 thereof may enter into the taxing of any gambling activity authorized
13 by this chapter;

14 (16) To establish and regulate a maximum limit on salaries or wages
15 which may be paid to persons employed in connection with activities
16 conducted by bona fide charitable or nonprofit organizations and
17 authorized by this chapter, where payment of such persons is allowed,
18 and to regulate and establish maximum limits for other expenses in
19 connection with such authorized activities, including but not limited
20 to rent or lease payments. However, the commissioner's powers and
21 duties granted by this subsection are discretionary and not mandatory.

22 In establishing these maximum limits the commission shall take into
23 account the amount of income received, or expected to be received, from
24 the class of activities to which the limits will apply and the amount
25 of money the games could generate for authorized charitable or
26 nonprofit purposes absent such expenses. The commission may also take
27 into account, in its discretion, other factors, including but not
28 limited to, the local prevailing wage scale and whether charitable
29 purposes are benefited by the activities;

30 (17) To authorize, require, and issue for a period not to exceed
31 one year such licenses or permits, for which the commission may by rule
32 provide, to any person to work for any operator of any gambling
33 activity authorized by this chapter in connection with that activity,
34 or any manufacturer, supplier, or distributor of devices for those
35 activities in connection with such business. The commission shall not
36 require that persons working solely as volunteers in an authorized
37 activity conducted by a bona fide charitable or bona fide nonprofit
38 organization, who receive no compensation of any kind for any purpose
39 from that organization, and who have no managerial or supervisory

1 responsibility in connection with that activity, be licensed to do such
2 work. The commission may require that licensees employing such
3 unlicensed volunteers submit to the commission periodically a list of
4 the names, addresses, and dates of birth of the volunteers. If any
5 volunteer is not approved by the commission, the commission may require
6 that the licensee not allow that person to work in connection with the
7 licensed activity;

8 (18) To publish and make available at the office of the commission
9 or elsewhere to anyone requesting it a list of the commission
10 licensees, including the name, address, type of license, and license
11 number of each licensee;

12 (19) To establish guidelines for determining what constitutes
13 active membership in bona fide nonprofit or charitable organizations
14 for the purposes of this chapter; and

15 (20) To perform all other matters and things necessary to carry out
16 the purposes and provisions of this chapter.

17 **Sec. 2.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to
18 read as follows:

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

28 (2) Without thereby limiting the generality of the provisions
29 contained in subsection (1), it is declared that the power of the board
30 to make regulations in the manner set out in that subsection shall
31 extend to

32 (a) regulating the equipment and management of stores and
33 warehouses in which state liquor is sold or kept, and prescribing the
34 books and records to be kept therein and the reports to be made thereon
35 to the board;

36 (b) prescribing the duties of the employees of the board, and
37 regulating their conduct in the discharge of their duties;

1 (c) governing the purchase of liquor by the state and the
2 furnishing of liquor to stores established under this title;

3 (d) determining the classes, varieties, and brands of liquor to be
4 kept for sale at any store;

5 (e) prescribing, subject to RCW 66.16.080, the hours during which
6 the state liquor stores shall be kept open for the sale of liquor;

7 (f) providing for the issuing and distributing of price lists
8 showing the price to be paid by purchasers for each variety of liquor
9 kept for sale under this title;

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

15 (h) providing for the payment by the board in whole or in part of
16 the carrying charges on liquor shipped by freight or express;

17 (i) prescribing forms to be used for purposes of this title or the
18 regulations, and the terms and conditions to be contained in permits
19 and licenses issued under this title, and the qualifications for
20 receiving a permit or license issued under this title, including a
21 criminal history record information check. The board may submit the
22 criminal history record information check to the Washington state
23 patrol and to the identification division of the federal bureau of
24 investigation in order that these agencies may search their records for
25 prior arrests and convictions of the individual or individuals who
26 filled out the forms. The board shall require fingerprinting of any
27 applicant whose criminal history record information check is submitted
28 to the federal bureau of investigation;

29 (j) prescribing the fees payable in respect of permits and licenses
30 issued under this title for which no fees are prescribed in this title,
31 and prescribing the fees for anything done or permitted to be done
32 under the regulations;

33 (k) prescribing the kinds and quantities of liquor which may be
34 kept on hand by the holder of a special permit for the purposes named
35 in the permit, regulating the manner in which the same shall be kept
36 and disposed of, and providing for the inspection of the same at any
37 time at the instance of the board;

38 (l) regulating the sale of liquor kept by the holders of licenses
39 which entitle the holder to purchase and keep liquor for sale;

1 (m) prescribing the records of purchases or sales of liquor kept by
2 the holders of licenses, and the reports to be made thereon to the
3 board, and providing for inspection of the records so kept;

4 (n) prescribing the kinds and quantities of liquor for which a
5 prescription may be given, and the number of prescriptions which may be
6 given to the same patient within a stated period;

7 (o) prescribing the manner of giving and serving notices required
8 by this title or the regulations, where not otherwise provided for in
9 this title;

10 (p) regulating premises in which liquor is kept for export from the
11 state, or from which liquor is exported, prescribing the books and
12 records to be kept therein and the reports to be made thereon to the
13 board, and providing for the inspection of the premises and the books,
14 records and the liquor so kept;

15 (q) prescribing the conditions and qualifications requisite for the
16 obtaining of club licenses and the books and records to be kept and the
17 returns to be made by clubs, prescribing the manner of licensing clubs
18 in any municipality or other locality, and providing for the inspection
19 of clubs;

20 (r) prescribing the conditions, accommodations and qualifications
21 requisite for the obtaining of licenses to sell beer and wines, and
22 regulating the sale of beer and wines thereunder;

23 (s) specifying and regulating the time and periods when, and the
24 manner, methods and means by which manufacturers shall deliver liquor
25 within the state; and the time and periods when, and the manner,
26 methods and means by which liquor may lawfully be conveyed or carried
27 within the state;

28 (t) providing for the making of returns by brewers of their sales
29 of beer shipped within the state, or from the state, showing the gross
30 amount of such sales and providing for the inspection of brewers' books
31 and records, and for the checking of the accuracy of any such returns;

32 (u) providing for the making of returns by the wholesalers of beer
33 whose breweries are located beyond the boundaries of the state;

34 (v) providing for the making of returns by any other liquor
35 manufacturers, showing the gross amount of liquor produced or
36 purchased, the amount sold within and exported from the state, and to
37 whom so sold or exported, and providing for the inspection of the
38 premises of any such liquor manufacturers, their books and records, and
39 for the checking of any such return;

1 (w) providing for the giving of fidelity bonds by any or all of the
2 employees of the board: PROVIDED, That the premiums therefor shall be
3 paid by the board;

4 (x) providing for the shipment by mail or common carrier of liquor
5 to any person holding a permit and residing in any unit which has, by
6 election pursuant to this title, prohibited the sale of liquor therein;

7 (y) prescribing methods of manufacture, conditions of sanitation,
8 standards of ingredients, quality and identity of alcoholic beverages
9 manufactured, sold, bottled, or handled by licensees and the board; and
10 conducting from time to time, in the interest of the public health and
11 general welfare, scientific studies and research relating to alcoholic
12 beverages and the use and effect thereof;

13 (z) seizing, confiscating and destroying all alcoholic beverages
14 manufactured, sold or offered for sale within this state which do not
15 conform in all respects to the standards prescribed by this title or
16 the regulations of the board: PROVIDED, Nothing herein contained shall
17 be construed as authorizing the liquor board to prescribe, alter, limit
18 or in any way change the present law as to the quantity or percentage
19 of alcohol used in the manufacturing of wine or other alcoholic
20 beverages.

21 **Sec. 3.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to read
22 as follows:

23 (1) Every license shall be issued in the name of the applicant, and
24 the holder thereof shall not allow any other person to use the license.

25 (2) For the purpose of considering any application for a license,
26 the board may cause an inspection of the premises to be made, and may
27 inquire into all matters in connection with the construction and
28 operation of the premises. For the purpose of reviewing any
29 application for a license and for considering the denial, suspension or
30 revocation of any license, the liquor control board may consider any
31 prior criminal conduct of the applicant (~~and~~) including a criminal
32 history record information check. The board may submit the criminal
33 history record information check to the Washington state patrol and to
34 the identification division of the federal bureau of investigation in
35 order that these agencies may search their records for prior arrests
36 and convictions of the individual or individuals who filled out the
37 forms. The board shall require fingerprinting of any applicant whose
38 criminal history record information check is submitted to the federal

1 bureau of investigation. The provisions of RCW 9.95.240 and of chapter
2 9.96A RCW shall not apply to such cases. The board may, in its
3 discretion, grant or refuse the license applied for. Authority to
4 approve an uncontested or unopposed license may be granted by the board
5 to any staff member the board designates in writing. Conditions for
6 granting such authority shall be adopted by rule. No retail license of
7 any kind may be issued to:

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

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

13 (c) A person whose place of business is conducted by a manager or
14 agent, unless such manager or agent possesses the same qualifications
15 required of the licensee;

16 (d) A corporation or a limited liability company, unless it was
17 created under the laws of the state of Washington or holds a
18 certificate of authority to transact business in the state of
19 Washington.

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

24 (b) The board shall immediately suspend the license or certificate
25 of a person who has been certified pursuant to RCW 74.20A.320 by the
26 department of social and health services as a person who is not in
27 compliance with a support order. If the person has continued to meet
28 all other requirements for reinstatement during the suspension,
29 reissuance of the license or certificate shall be automatic upon the
30 board's receipt of a release issued by the department of social and
31 health services stating that the licensee is in compliance with the
32 order.

33 (c) The board may request the appointment of administrative law
34 judges under chapter 34.12 RCW who shall have power to administer
35 oaths, issue subpoenas for the attendance of witnesses and the
36 production of papers, books, accounts, documents, and testimony,
37 examine witnesses, and to receive testimony in any inquiry,
38 investigation, hearing, or proceeding in any part of the state, under
39 such rules and regulations as the board may adopt.

1 (d) Witnesses shall be allowed fees and mileage each way to and
2 from any such inquiry, investigation, hearing, or proceeding at the
3 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
4 need not be paid in advance of appearance of witnesses to testify or to
5 produce books, records, or other legal evidence.

6 (e) In case of disobedience of any person to comply with the order
7 of the board or a subpoena issued by the board, or any of its members,
8 or administrative law judges, or on the refusal of a witness to testify
9 to any matter regarding which he or she may be lawfully interrogated,
10 the judge of the superior court of the county in which the person
11 resides, on application of any member of the board or administrative
12 law judge, shall compel obedience by contempt proceedings, as in the
13 case of disobedience of the requirements of a subpoena issued from said
14 court or a refusal to testify therein.

15 (4) Upon receipt of notice of the suspension or cancellation of a
16 license, the licensee shall forthwith deliver up the license to the
17 board. Where the license has been suspended only, the board shall
18 return the license to the licensee at the expiration or termination of
19 the period of suspension. The board shall notify all vendors in the
20 city or place where the licensee has its premises of the suspension or
21 cancellation of the license; and no employee may allow or cause any
22 liquor to be delivered to or for any person at the premises of that
23 licensee.

24 (5)(a) At the time of the original issuance of a spirits, beer, and
25 wine restaurant license, the board shall prorate the license fee
26 charged to the new licensee according to the number of calendar
27 quarters, or portion thereof, remaining until the first renewal of that
28 license is required.

29 (b) Unless sooner canceled, every license issued by the board shall
30 expire at midnight of the thirtieth day of June of the fiscal year for
31 which it was issued. However, if the board deems it feasible and
32 desirable to do so, it may establish, by rule pursuant to chapter 34.05
33 RCW, a system for staggering the annual renewal dates for any and all
34 licenses authorized by this chapter. If such a system of staggered
35 annual renewal dates is established by the board, the license fees
36 provided by this chapter shall be appropriately prorated during the
37 first year that the system is in effect.

38 (6) Every license issued under this section shall be subject to all
39 conditions and restrictions imposed by this title or by the regulations

1 in force from time to time. All conditions and restrictions imposed by
2 the board in the issuance of an individual license shall be listed on
3 the face of the individual license along with the trade name, address,
4 and expiration date.

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

7 (8) Before the board shall issue a license to an applicant it shall
8 give notice of such application to the chief executive officer of the
9 incorporated city or town, if the application be for a license within
10 an incorporated city or town, or to the county legislative authority,
11 if the application be for a license outside the boundaries of
12 incorporated cities or towns; and such incorporated city or town,
13 through the official or employee selected by it, or the county
14 legislative authority or the official or employee selected by it, shall
15 have the right to file with the board within twenty days after date of
16 transmittal of such notice, written objections against the applicant or
17 against the premises for which the license is asked, and shall include
18 with such objections a statement of all facts upon which such
19 objections are based, and in case written objections are filed, may
20 request and the liquor control board may in its discretion hold a
21 formal hearing subject to the applicable provisions of Title 34 RCW.
22 Upon the granting of a license under this title the board shall send a
23 duplicate of the license or written notification to the chief executive
24 officer of the incorporated city or town in which the license is
25 granted, or to the county legislative authority if the license is
26 granted outside the boundaries of incorporated cities or towns.

27 (9) Before the board issues any license to any applicant, it shall
28 give (a) due consideration to the location of the business to be
29 conducted under such license with respect to the proximity of churches,
30 schools, and public institutions and (b) written notice by certified
31 mail of the application to churches, schools, and public institutions
32 within five hundred feet of the premises to be licensed. The board
33 shall issue no beer retailer license for either on-premises or off-
34 premises consumption or wine retailer license for either on-premises or
35 off-premises consumption or spirits, beer, and wine restaurant license
36 covering any premises not now licensed, if such premises are within
37 five hundred feet of the premises of any tax-supported public
38 elementary or secondary school measured along the most direct route
39 over or across established public walks, streets, or other public

1 passageway from the outer property line of the school grounds to the
2 nearest public entrance of the premises proposed for license, and if,
3 after receipt by the school or public institution of the notice as
4 provided in this subsection, the board receives written notice, within
5 twenty days after posting such notice, from an official representative
6 or representatives of the school within five hundred feet of said
7 proposed licensed premises, indicating to the board that there is an
8 objection to the issuance of such license because of proximity to a
9 school. For the purpose of this section, church shall mean a building
10 erected for and used exclusively for religious worship and schooling or
11 other activity in connection therewith. No liquor license may be
12 issued or reissued by the board to any motor sports facility or
13 licensee operating within the motor sports facility unless the motor
14 sports facility enforces a program reasonably calculated to prevent
15 alcohol or alcoholic beverages not purchased within the facility from
16 entering the facility and such program is approved by local law
17 enforcement agencies. It is the intent under this subsection that a
18 retail license shall not be issued by the board where doing so would,
19 in the judgment of the board, adversely affect a private school meeting
20 the requirements for private schools under Title 28A RCW, which school
21 is within five hundred feet of the proposed licensee. The board shall
22 fully consider and give substantial weight to objections filed by
23 private schools. If a license is issued despite the proximity of a
24 private school, the board shall state in a letter addressed to the
25 private school the board's reasons for issuing the license.

26 (10) The restrictions set forth in subsection (9) of this section
27 shall not prohibit the board from authorizing the assumption of
28 existing licenses now located within the restricted area by other
29 persons or licenses or relocations of existing licensed premises within
30 the restricted area. In no case may the licensed premises be moved
31 closer to a church or school than it was before the assumption or
32 relocation.

33 (11) Nothing in this section prohibits the board, in its
34 discretion, from issuing a temporary retail or distributor license to
35 an applicant assuming an existing retail or distributor license to
36 continue the operation of the retail or distributor premises during the
37 period the application for the license is pending and when the
38 following conditions exist:

1 (a) The licensed premises has been operated under a retail or
2 distributor license within ninety days of the date of filing the
3 application for a temporary license;

4 (b) The retail or distributor license for the premises has been
5 surrendered pursuant to issuance of a temporary operating license;

6 (c) The applicant for the temporary license has filed with the
7 board an application to assume the retail or distributor license at
8 such premises to himself or herself; and

9 (d) The application for a temporary license is accompanied by a
10 temporary license fee established by the board by rule.

11 A temporary license issued by the board under this section shall be
12 for a period not to exceed sixty days. A temporary license may be
13 extended at the discretion of the board for an additional sixty-day
14 period upon payment of an additional fee and upon compliance with all
15 conditions required in this section.

16 Refusal by the board to issue or extend a temporary license shall
17 not entitle the applicant to request a hearing. A temporary license
18 may be canceled or suspended summarily at any time if the board
19 determines that good cause for cancellation or suspension exists. RCW
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

21 Application for a temporary license shall be on such form as the
22 board shall prescribe. If an application for a temporary license is
23 withdrawn before issuance or is refused by the board, the fee which
24 accompanied such application shall be refunded in full.

25 **Sec. 4.** RCW 66.24.025 and 1995 c 232 s 2 are each amended to read
26 as follows:

27 (1) If the board approves, a license may be transferred, without
28 charge, to the surviving spouse only of a deceased licensee if the
29 parties were maintaining a marital community and the license was issued
30 in the names of one or both of the parties. For the purpose of
31 considering the qualifications of the surviving party or parties to
32 receive a liquor license, the liquor control board may require a
33 criminal history record information check. The board may submit the
34 criminal history record information check to the Washington state
35 patrol and to the identification division of the federal bureau of
36 investigation in order that these agencies may search their records for
37 prior arrests and convictions of the individual or individuals who
38 filled out the forms. The board shall require fingerprinting of any

1 applicant whose criminal history record information check is submitted
2 to the federal bureau of investigation.

3 (2) The proposed sale of more than ten percent of the outstanding
4 and/or issued stock of a licensed corporation or any proposed change in
5 the officers of a licensed corporation must be reported to the board,
6 and board approval must be obtained before such changes are made. A
7 fee of seventy-five dollars will be charged for the processing of such
8 change of stock ownership and/or corporate officers.

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