

Washington State Liquor Control Board

Issue Paper

Rule Making on WAC 314-11-070

Date: October 12, 2011

Presented by: Karen McCall, Agency Rules Coordinator

Description of the Issue

The purpose of this Issue Paper is to request approval from the Board to file the first stage of rule making (CR 101) to review WAC 314-11-070 – During what hours can I sell or serve liquor? Specifically, to address extended hours if requested by local jurisdictions.

Why is rule making necessary?

The hours of liquor sales and service in Washington State are 6 am to 2 am. Liquor may not be sold or consumed after 2am at any liquor licensed premises.

On July 25, 2011, the city of Seattle adopted Resolution Number 31308 requesting the Washington State Liquor Control Board amend WAC 314-11-070 and create a new section to allow local governments to petition the board to establish extended hours service areas within local jurisdictions.

The city of Seattle lists several reasons for submitting this request:

- A well-planned and managed nightlife can have a profound positive impact on a local economy, generating direct tax revenues, and growing public funds through increased property values, revitalized business districts, and increased tourism;
- Washington’s post-Prohibition approach to liquor service, with its state-wide uniform 2 am closing time, is increasingly at odds with urban economics and lifestyles;
- Allowing local jurisdictions to modify closing times can lead to better allocation of public resources, provide a more uniform flow of patrons from venues, spread nightlife-related demand for taxi service, and reduce the concentration of crowds; Modified closing times can improve quality of life in local jurisdictions by mitigating public safety and nuisance issues associated with the uniform 2 am “push out”; and
- This effort is a critical component of the broader Seattle Nightlife Initiative, which was launched in July, 2012 as a full suite of eight actions that together provide a comprehensive, balanced approach to managing the city’s nighttime economy.

Nine states in the country set closing hours by local jurisdiction (on of those is a control state).

Process

The rule making process begins by announcing LCB's intent to change existing rules and propose new rules by filing a CR 101 form. This allows staff and stakeholders to begin discussing necessary changes and new rules. No proposed language is offered at this stage. The public may comment during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule changes. The notice will identify the public comment period and where comments can be sent. Board staff will work closely with stakeholders in the development of any rules. Based on public input received, staff will draft proposed changes for presentation to the Board at the next phase of the rule making process.

A tentative timeline for the rule making process is outlined below:

October 12, 2011	Board is asked to approve filing the pre-proposal statement of inquiry (CR 101)
November 7, 2011	Code Reviser publishes notice, LCB sends notice to rules distribution list
December 1, 2011	End of written comment period
December 7, 2011	Board is asked to approve filing the proposed rules (CR 102 filing)
December 21, 2011	Code Reviser publishes notice, LCB sends notice to rules distribution list
January 18, 2012	Public hearing held
January 18, 2012	End of written comment period
January 25, 2012	Board is asked to adopt rules
January 25, 2012	Agency sends notice to those who commented both at the public hearing and in writing.
January 25, 2012	Agency files adopted rules with the Code Reviser (CR 103)
February 25, 2012	Rules are effective (31 days after filing)

Attachment: WAC 314-11-070