

***NOTICE OF REFERENDUM: CHAPTER 37,
LAWS OF 1963.**

Dr. Homer W. Humiston, of Tacoma, sponsored Referendum Measure No. 34 for the purpose of referring the below Chapter 37 to the voters for final decision at the November 3, 1964 state general election. Some 5,530 petition sheets containing 82,995 supporting signatures were stolen from my office. Since only 48,630 valid signatures were necessary, I, nevertheless, certified Referendum Measure No. 34 to the ballot and my action was sustained by the Thurston County Superior Court.

This court action (Rouso vs. Meyers) has been appealed to the State Supreme Court and I wish to alert all interested persons that the final decision will not be issued until after this publication of the session laws has been printed.

VICTOR A. MEYERS,
Secretary of State.

***CHAPTER 37.**

[S. B. 360.]

**MECHANICAL DEVICES, SALESBOARDS, BINGO
EQUIPMENT AND CARDROOMS.**

AN ACT relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency.

*Be it enacted by the Legislature of the State of
Washington:*

New section.

SECTION 1. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

Certain
mechanical
devices
authorized.

Notwithstanding any other provision of this chapter, it shall be lawful for any person to have in his possession, or permit to be placed in any building or part thereof owned or leased or occupied by him, or to conduct, carry on or operate, whether as owner, manager, agent, clerk or employee, whether for hire or not, or for any person to participate in the use of any machine or mechanical device which is not manufactured or equipped with an automatic payoff mechanism, registers free plays and permits the playing of additional games, the operation of which depends in any part upon the skill or manual dexterity of the player, if said device is located in any incorporated city or town, or all that portion of

any county not included within the limits of incorporated cities and towns, where the same is licensed *or taxed.

*Vetoed.

SEC. 2. It shall be unlawful for the user of any device described in section 1 of this act to receive any piece of money, credit, allowance or thing of value or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value, or which may be given in trade: *Provided*, That this section shall not prevent the registering of free plays and the playing of additional games: *And provided further*, That it shall be lawful to transfer manually free plays or games registered on any device described in section 1 of this act, from one such device to another at the same location.

Unlawful acts relative to mechanical devices enumerated.

Proviso.

Proviso.

SEC. 3. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

New section.

It shall be lawful to sell, operate or use, to permit to be operated or used, or to participate in the use thereof, or to possess, exhibit or display any salesboard or sales ticket intended for trade stimulation purposes where merchandise only is dispensed, if said board or ticket is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the same is licensed *or taxed.

Certain sales-boards or sales tickets authorized.

*Vetoed.

SEC. 4. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

New section.

It shall be lawful to own, operate or conduct or permit to be operated or conducted, or to participate in the operation of any public cardroom not to exceed eight tables wherein persons engage in games of skill, in which success depends upon knowledge, attention, experience, and the skill of the player

Certain cardrooms authorized.

whereby elements of chance in any such game are overcome, improved or turned to the advantage of the said player, if said cardroom is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and town, where the same is licensed *or taxed.

*Vetoed.

New section.

SEC. 5. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

Certain bingo devices authorized, when.

It shall be lawful to sell, operate or use or permit to be operated or used, or participate in the use thereof, or to possess, exhibit or display any cards, slips, discs, markers, spheres, or cages intended for use in the game of bingo, or any devices commonly used as trade stimulants at county or state fairs, unless such cards, slips, discs, markers, spheres or cages or devices are located in any incorporated city or town or all that portion of any county not included within the limits of incorporated cities and towns where the same are specifically enumerated as unlawful by the legislative body of the governmental subdivision: *Provided*, That such use is conducted by and for the benefit of a bona fide nonprofit charitable, religious, veteran, fraternal, civic, athletic or other nonprofit organization duly existing under the laws of the state of Washington and that the proceeds thereof are not to inure to the profit of any individual: *And provided further*, That such organization before conducting such game shall give fifteen days written notice of the time and place thereof to the governing body of the governmental subdivision in which it intends to conduct such game and that such governing body does not pass a resolution objecting thereto.

Proviso.

Proviso.

Licensing procedure—Qualifications.

SEC. 6. Before granting a license hereafter under sections 1, 3 and 4 of this act the city, town or county shall first cause a verified application to be filed in

duplicate with such city, town or county with copy to be filed with the state director of licenses, containing the full name and address of each person, firm or corporation having an interest, either directly or indirectly, in said license, and other material facts, including a full financial disclosure, which may be deemed appropriate by such local authority, together with a written affidavit by three residents of Washington who shall recommend said applicant and the officers thereof, if a corporation, as being of good moral character. No licenses shall be issued in accordance with the provisions of sections 1, 3 and 4 of this act except to citizens of the United States who have been residents of the state of Washington for at least five years prior to application therefor; or to corporations, all of whose officers and stockholders have fulfilled such residential qualifications.

Sec. 7. Any person, firm or corporation which has been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 shall be qualified and eligible to receive a license under section 5 of this act.

} Vetoed.

SEC. 8. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

} Severability.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions, and shall take effect immediately.

} Supreme court ruled emergency clause not valid (No. 36998 filed April 11, 1963).

Passed the Senate March 7, 1963.

Passed the House March 7, 1963.

Section 7 and certain items in Section 1, 3, and 4 are vetoed.

ALBERT D. ROSELLINI,
Governor of Washington.

I hereby refuse to attach my signature of approval to the remainder of the bill.

Veto message,
excerpt.

GOVERNOR'S STATEMENT EXPLAINING PARTIAL VETOES AND REASON FOR ALLOWING BILL TO BECOME LAW WITHOUT HIS SIGNATURE IS AS FOLLOWS:

"I am filing herewith to be transmitted to the Senate without my approval as to certain items and without my approval as to certain sections Senate Bill No. 360 entitled:

"'An Act relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency.'

"Senate Bill No. 360 allows counties, cities and towns to permit the operation of certain amusement devices and authorizes them to license certain games without allowing gambling.

"Section 1, page 1, line 19, contains the words 'or taxed.' Section 3, page 2, line 11, contains the words 'or taxed.' Section 4, page 2, line 22, contains the words 'or taxed.' I hereby veto these items in Sections 1, 3 and 4 to make it plain that the non-gambling activities permitted under this statute may be exercised only by such municipal subdivisions of the state as are willing to license the respective activities or devices.

"Section 7 would permit persons, firms, or corporations which had been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 to become automatically eligible to receive a bingo, state fair or similar license. I believe that each licensee under this act should be carefully scrutinized and only those persons who are citizens of the United States and who have been residents of the State of Washington for at least five years prior to application should be allowed to obtain licenses under this act. In the case of firms or corporations, I believe all officers and stockholders should first fulfill the residence requirements provided in Section 6 of the statute.

"I have full faith and confidence that the local licensing authorities will, by resolution or ordinance, place additional stringent requirements concerning character, morality and good reputation of all persons seeking to be licensed by them. As to whether or not all or any part of the activities permissible under this statute shall be exercised is a matter which this bill places entirely upon the local executive and law enforcement agencies.

"For the reasons indicated, the items previously quoted from Sections 1, 3 and 4 of the act are vetoed. Likewise, Section 7 of Senate Bill No. 360 is vetoed. I will allow the remainder of the bill to become law without my signature, in accordance with the additional explanation appended to the bill and to this message."

Respectfully submitted,

ALBERT D. ROSELLINI,
Governor.

STATEMENT BY THE GOVERNOR

RE: Item Veto of Senate Bill No. 360

"I have carefully analyzed Senate Bill 360. My legal staff has done likewise. As a result, I am vetoing several items and one section of Senate Bill 360, and instructing that the altered bill be filed without my signature.

"It is my firm conviction that Senate Bill 360, as partially vetoed, does not legalize gambling.

"Article 2, Section 24 of the State Constitution, as construed repeatedly by the Supreme Court of the State of Washington, prohibits

lotteries and gambling in the State of Washington. It is elementary, therefore, that no act of this legislature can overrule or circumvent the mandate contained in the constitutional provision mentioned above.

Veto message,
excerpt.

"I have deliberately refrained from vetoing an emergency clause contained in Senate Bill 360 in order to allow the constitutionality of this measure to be tested at once. This emergency clause permits the bill to take effect immediately; therefore, allowing a court test of the constitutionality of this bill at once by anyone who might desire to do so.

"I wish to emphasize that nowhere in its provisions does Senate Bill 360 expressly repeal the numerous state statutes against gambling. These statutes continue to exist and to have full force and effect. Anyone found gambling in any part of the state still is subject to arrest and prosecution.

"While I continue to question the need of Senate Bill 360, nevertheless it has been requested by many local public officials. Furthermore, the elected representatives of the people have approved this bill by an almost two-thirds margin in both Houses of the Legislature. With the partial vetoes that I have executed, the bill now has proper safeguards against gambling. It is primarily because of these factors that I have allowed most of Senate Bill 360 to become law without my signature.

"Senate Bill 360 does allow cities and counties to license and regulate the use of certain amusement devices, trade stimulants, and certain card playing. Senate Bill 360 does not, nor could it, constitutionally, allow wagering by means of these devices.

"Under this act, as vetoed by me, no one can engage in activities covered by this act without first obtaining approval of local public officials. This applies to past licensees and future applicants.

"I am against gambling and will continue to do everything within my power to see that the gambling laws of this state are enforced. The laws of our state place the primary responsibility for law enforcement on local enforcement agents. This is as it should be. But be assured that I would not hesitate a moment to use state law enforcement officials to enforce state anti-gambling laws if local enforcement agents cannot or do not do the job.

"I am proud of Washington's fine record as a clean state, free of syndicates and the crime and vice associated with them. I have been privileged to have a part in establishing this record during my years as deputy prosecuting attorney in King County, as a State Senator, as chairman of the Legislative Crime Committee, and as Governor. I wish to assure the citizens of Washington that I shall continue to do everything within the power invested in me as chief executive to guarantee that Washington will remain a state that is free of gambling."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 38.

[S. B. 328.]

PHARMACY BOARD—PHARMACISTS— DRUGS AND MEDICINES.

AN ACT relating to drugs and medicine; regulating the possession, sale and dispensing thereof; requiring licenses for the privilege of manufacturing, selling, dispensing and compounding the same, and fixing fees therefor; adding additional members to the state board of pharmacy, and prescribing additional powers and duties; prescribing penalties; amending section 10, chapter 121, Laws of 1899, as