

earlier. In every case where it has been possible to teach a handicapped child to take care of the responsibility of providing for his most elementary needs, we have made it possible for such child to be released from custodial care and to be returned to his home at a great saving to the state. At the present time in some areas of the state we have special schools for handicapped children, and if the item quoted were permitted to remain in the law, I fear that the operation of such schools would be crippled. It is my firm conviction that every possible attempt should be made to utilize the latest skills for the purpose of enabling handicapped children who attend such special schools, or who attend special classes in public schools, to remain at home while being educated. If we fail to do this, we will simply increase the number of handicapped children who will have to be institutionalized. Thus, the item quoted, in my considered judgment, is penny wise and pound foolish. For the reasons indicated, this item is vetoed.

"For the reasons indicated, the items quoted herein are vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 27.

[H. B. 24.]

COMMITTEE ON THE LAW OF DAMAGES.

AN ACT Relating to civil actions and damages; creating a committee; making an appropriation; repealing chapter 97, Laws of 1961; and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the general fund to the committee on the law of damages, the sum of one thousand dollars or so much thereof as may be necessary to carry out the provisions of this act during the fiscal biennium ending June 30, 1963.

Appropriation.

SEC. 2. There is hereby created a committee on the law of damages which during the interim between the thirty-seventh and thirty-eighth legislatures shall study the laws and procedures in the field of damages and exemplary damages and shall make recommendations to the thirty-eighth legislature concerning the desirability and necessity for the enactment of legislation upon this subject.

Committee on the law of damages. Created—Duties.

SEC. 3. The committee shall consist of six members to be appointed by the governor prior to May 1,

*Material in brackets vetoed.

1961, **[as follows: One member who shall represent organized labor; a member of the judicial council, selected by the chief justice; a member of the superior court judges association, selected by the president judge; a member of the Washington State Bar Association, selected by the president thereof; a member of the Allied Daily Newspapers of Washington, selected by the president thereof; and a member of the Washington State Association of Broadcasters, selected by the president thereof.]* Persons to fill vacancies shall be chosen in the same manner as original members.

Meetings—
Officers—
Quorum.

SEC. 4. The first meeting shall be held at the call of the governor not later than July 1, 1961, and at such meeting the members shall select their own officers. Four members shall constitute a quorum.

Expense and
per diem for
members.

SEC. 5. Members of the committee shall serve without compensation, but shall be reimbursed for travel expense and other actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed per diem rates provided by law. Committee expenses shall be paid upon voucher forms signed by the chairman of the committee.

Repeal.

SEC. 6. Chapter 97, Laws of 1961 is hereby repealed.

Emergency.

SEC. 7. 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.

Passed the House March 20, 1961.

Passed the Senate March 23, 1961.

Approved by the Governor March 30, 1961, with the exception of a certain item in section 3, which is vetoed.

NOTE: Governor's message stating reasons for vetoing a certain item from section 13 of this measure reads as follows: Veto message, excerpt.

"The primary purpose of this bill is to repeal chapter 97, Laws of 1961, which would allow the imposition of punitive damages in legal actions involving the commission of intentional injuries and torts. In addition, this bill would create a committee to study the problem of punitive damages. The committee is required to make recommendations to the next Legislature.

"It is my personal belief that chapter 97, Laws of 1961, would merit a tryout for a reasonable length of time. I am firmly convinced that the fears which have been expressed to me by Labor leaders, by members of the Press, Radio and Television, are greatly exaggerated. After all, laws allowing the imposition of punitive damages in one form or another are now in effect in over forty states. It is clear that the various organizations which have objected so bitterly to chapter 97, Laws of 1961, have been able to adjust satisfactorily to such laws in these states. Nevertheless, since both Houses of the Legislature saw fit to pass this bill by overwhelming majorities I feel obliged, reluctantly, to sign this bill with one exception.

"Section 3 of the bill contains the following item:

'* * * as follows: One member who shall represent organized labor; a member of the judicial council, selected by the chief justice; a member of the superior court judges association, selected by the president judge; a member of the Washington State Bar Association, selected by the president thereof; a member of the Allied Daily Newspapers of Washington, selected by the president thereof; and a member of the Washington State Association of Broadcasters, selected by the president thereof.'

"To permit this item to become law would force me to appoint as members of the committee, persons selected entirely by the organizations mentioned. No doubt you realize that I will be held responsible personally for the work of the committee. To impose such responsibility upon me without allowing me any choice whatsoever in making the appointments appears to me to be unfair and inequitable. I therefore respectfully, must refuse to accede to such imposition. I want to make it clear that I will not buy 'a pig in the poke'.

"While I intend to appoint the members of the study committee from the organizations mentioned in the item vetoed, I reserve the right to choose such members with the foremost thought in mind of establishing on the committee, a well balanced view between proponents and opponents of punitive damages. Thus, the chances are that the study committee will bring in a report reflecting a just and equitable solution to the problem involved.

"For the reasons indicated, the item quoted from section 3 is vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.