

forest tax committee, the majority of which will consist of legislators and representatives of the timber industry, should be limited to those specified in sections 7(10) and 18. Undoubtedly the committee will be in a position to give valuable advice to the department with respect to the valuation process, and I believe that the role of the committee in the valuation process should be limited to that function.

Veto
Message

In addition it should be noted that the eligibility of members of the 42nd Legislature to serve as members of the forest tax committee is open to serious constitutional question without these vetoes; see Oceanographic Commission v. O'Brien, 74 Wn.2d 904 (1968).

For these reasons, I have vetoed those items of the bill which give the committee the approval function described above.

With the exception of these three items, Engrossed Substitute Senate Bill No. 849 is approved."

CHAPTER 295

[Engrossed Senate Bill No. 108]

CRIMES--

CONCURRENT AND CONSECUTIVE SENTENCES

AN ACT Relating to crimes and punishment; and amending section 33, chapter 249, Laws of 1909 as amended by section 2, chapter 109, Laws of 1925 ex. sess. and RCW 9.92.080; and adding a new section.

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

Section 1. Section 33, chapter 249, Laws of 1909 as amended by section 2, chapter 109, Laws of 1925 ex. sess. and RCW 9.92.080 are each amended to read as follows:

((Whenever a person shall be convicted of two or more offenses before sentence has been pronounced for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction shall commence at the termination of the first or other prior term or terms of imprisonment to which he is sentenced; and)) From and after the effective date of this 1971 amendatory act:

(1) Whenever a person while under sentence of felony shall commit another felony and be sentenced to another term of

imprisonment, such latter term shall not begin until the expiration of all prior terms: PROVIDED, That any person granted probation pursuant to the provisions of RCW 9.95.210 and/or 9.92.060 shall not be considered to be under sentence of a felony for the purposes of this subsection.

(2) Whenever a person is convicted of two or more offenses ((set forth as separate counts in one indictment or information the court may, in pronouncing sentence, provide that sentences therefor shall run concurrently)) which arise from a single act or omission, the sentences imposed therefor shall run concurrently, unless the court, in pronouncing sentence, expressly orders the service of said sentences to be consecutive.

(3) In all other cases, whenever a person is convicted of two or more offenses arising from separate and distinct acts or omissions, and not otherwise governed by the provisions of subsections (1) and (2) of this section, the sentences imposed therefor shall run consecutively, unless the court, in pronouncing the second or other subsequent sentences, expressly orders concurrent service thereof.

(4) The sentencing court may require the secretary of the department of social and health services, or his designee, to provide information to the court concerning the existence of all prior judgments against the defendant, the terms of imprisonment imposed, and the status thereof.

NEW SECTION. Sec. 2. No court shall suspend or defer the sentence of any person having been convicted of selling or attempting to sell narcotic or dangerous drugs for profit.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which was vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section one of this bill clarifies and makes more equitable the law relating to concurrent and consecutive sentencing when persons are convicted of two or more offenses.

Veto
Message

Section 2 of the bill provides that no court shall suspend or defer the sentence of any person having been convicted of selling or attempting to sell narcotic or dangerous drugs for profit. I have determined to veto section 2 however, in so doing, I wish to make very clear

that I have no sympathy for those who sell or attempt to sell narcotic or dangerous drugs, nor do I, in any way, mean to infer that the law should not deal strictly with such persons. However, I have had to veto this section for technical reasons. Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act, which I have signed into law, replaces and repeals the previous laws of this state relating to narcotic or dangerous drugs. The new law does not define narcotic or dangerous drugs but sets up five classifications of controlled substances. There is, as a consequence, no definition to which section 2 of SB 108 can refer. Furthermore, SSSB 146 does not at any point define sale or attempted sale either for profit or without profit as a crime. Delivery is defined as a criminal violation but sale is not. As a consequence, once again, there is nothing in this aspect to which section 2 of SB 108 can refer. Section 2 is thus technically deficient and would create confusion and ambiguity in the law.

Veto
Message

For these reasons, but with the hope that appropriate controls of the problems of drug trafficking and drug abuse will continue to be acted upon by the legislature, as done in SSSB 146 and SB 273, I have vetoed section 2 of SB 108 and have approved section 1."

CHAPTER 296

[Engrossed Senate Bill No. 691]

FINANCING OF PUBLIC TRANSPORTATION SERVICE

AN ACT Relating to revenue and taxation and public transportation; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 5, chapter 111, Laws of 1965 ex. sess. as amended by section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050; amending section 6, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.060; creating new sections.

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

NEW SECTION. Section 1. The legislature finds that adequate public transportation systems are necessary to the economic, industrial and cultural development of the urban areas of this state