

revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 215. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 216. This 1975 amendatory 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.*

**Sec. 216. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 217. The legislature hereby reaffirms its singular intent under this amendatory act to change the designation of the state tax commission to the department of revenue or the board of tax appeals, as the case may be, and to make explicit its intent that no rights, duties, obligations or benefits, of whatsoever kind, are to be construed as changed as a result of the enactment hereof.

Passed the House March 14, 1975.

Passed the Senate May 31, 1975.

Approved by the Governor July 2, 1975 with the exception of section 216 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

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

"I am returning herewith without my approval as to one section House Bill No. 354 entitled:

"AN ACT Relating to conforming state statutes to reflect the transfer of powers, duties and functions from the state tax commission to the department of revenue or to the board of tax appeals."

Section 216 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 216 which I have vetoed, the remainder of House Bill No. 354 is approved."

CHAPTER 279

[Substitute House Bill No. 427]

HIGHWAYS—OPERATIONS AND CAPITAL IMPROVEMENTS BUDGET

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority; and declaring an emergency.

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

***NEW SECTION.** Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1975, for capital projects and for other specified purposes for the biennium ending June 30, 1977:

PROGRAM C, CONSTRUCTION

For the location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070, and for improvement and construction of buildings, other highway plant structures and ferry and toll facilities, and for associated supervision and direct support \$363,480,330 consisting of \$129,000,000 from state funds, \$233,380,330 from federal funds, and \$1,100,000 from local funds; and a reappropriation of \$12,000,000 from state funds (but said reappropriation shall not exceed the unexpended balance of the appropriation to the highway commission contained in section 1, chapter 222, Laws of 1973 1st ex. sess.): **PROVIDED**, That the appropriation contained in this section for Program C, "Construction" shall include the proceeds of bonds authorized by RCW 47.26.400 through 47.26.407 remaining unsold on July 1, 1975, but not to exceed \$35,000,000: **PROVIDED**, That the state highway commission may transfer any funds authorized within this appropriation to Program M, Physical Maintenance and Operations, for expenditure: *PROVIDED FURTHER, That the state highway commission through the biennium ending June 30, 1977, is directed to exercise its authority under the priority programming law and may digress therefrom with discretion and flexibility to utilize effectively state and federal funds available for highway purposes:* **PROVIDED FURTHER**, That no funds appropriated in this section shall be expended for construction of Project No. 61127A on state route 276 as shown in the document published by the Washington state highway commission entitled "Highway Construction Projects in the 1975-1977 Biennium by Legislative District" dated February 1, 1975, until completion of a further review of the highway transportation requirements in the Pullman area by the highway commission.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M maintenance and operations of state highways, maintenance and operation of highway plant, and associated supervision and direct support \$97,084,502 consisting of \$95,466,476 from state funds and \$1,618,026 from local funds: **PROVIDED**, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, for expenditure.

PROGRAM P, GENERAL SUPERVISION, PLANNING AND RESEARCH

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the legislative transportation committee or the standing transportation and utilities committees of the senate and house. Also, for any necessary

increase in stores; for necessary pit and stockpile sites and write-off of obsolete pits and stockpiles \$25,859,886 consisting of \$20,430,907 from state funds and \$5,428,979 from federal funds: PROVIDED, That the state highway commission may transfer any funds authorized within this appropriation to Program C, Construction, or Program M, Maintenance and Operations, for expenditure: PROVIDED FURTHER, That the highway commission may expend state collected revenues appropriated under Program P, General Supervision, Planning and Research for special studies conducted by the Puget Sound Council of Governments at the request of the highway commission, but shall not expend any state collected funds appropriated by this act to pay for any portion of the regular annual work program of the Puget Sound Council of Governments for the biennium ending June 30, 1977.

The legislature finds that the highway commission has made significant management improvements to date in the development and utilization of work standards and similar criteria for determining both operational and support personnel requirements in all programs. It is the intent of the legislature that the highway commission devote special attention to the continued evolution and refinement of such criteria during execution of the 1975-77 biennium budget; and to prepare the 1977-79 biennium budget request based on such refined criteria.

*Sec. 1. was partially vetoed, see message at end of chapter.

*NEW SECTION. Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1977, \$43,101,804 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: PROVIDED, That said appropriation shall include \$20,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 and shall further include \$5,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427: PROVIDED FURTHER, That in event proceeds of motor vehicle fuel tax revenue distributed in accordance with RCW 82.36.020 are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: PROVIDED FURTHER, That during the 1975-77 biennium, the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

*Sec. 2. was partially vetoed, see message at end of chapter.

*NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund . . . \$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary

waters, and from the Puget Sound ferry operations account in the motor vehicle fund . . . \$11,155,989 or so much thereof as may be necessary for the operation and maintenance of the ferry system to supplement tolls: PROVIDED, That if SSB 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor the appropriation from the Puget Sound ferry operations account shall be \$3,352,829, or so much thereof as may be necessary, for operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund . . . \$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: PROVIDED FURTHER, That if chapter . . . (SSB 2159), Laws of 1975 1st ex. sess. is enacted into law during the 1975 1st extraordinary session and signed by the governor no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure: *PROVIDED FURTHER, That the Washington state toll bridge authority shall provide year-round ferry service on the Port Townsend-Keystone route from funds appropriated in this section for the operation and maintenance of the ferry system to supplement ferry tolls.*

*Sec. 3. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1977, \$422,000 for supportive services to off-the-job training programs for minority highway construction workers and for minority contractors' training programs: PROVIDED, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1977, and shall be fully reimbursable from federal funds authorized by P. L. 91-6.5, Title 1.

NEW SECTION. Sec. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission \$83,000 or so much thereof as may be necessary for the purpose of purchasing compensable ownership, if any, in the existing terminal facilities of Olympic Ferries, Inc. and such other assets as the Washington toll bridge authority and state highway commission deem necessary to carry out the provisions of chapter 44, Laws of 1972 ex. sess.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of \$77,000 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

NEW SECTION. Sec. 7. (1) Notwithstanding the provisions of RCW 43.79-.260 through RCW 43.79.280, if federal funds in excess of the \$238,809,309 contained in the appropriations to the state highway commission are received by the state of Washington for highway purposes, and the federal notification thereof is in excess of one million dollars in biennial expenditures, the highway commission shall determine, after consultation with the standing committees on transportation

and utilities of the house and senate, the extent to which the receipt of such federal funds will impact on total biennium appropriations and budgeted expenditures of state revenues in the motor vehicle fund.

(2) The highway commission shall submit to the governor, as appropriate, either a statement requesting an increase in the biennium appropriations and an allotment amendment to authorize expenditures of such funds in addition to appropriations provided by law, or a statement requesting an allotment amendment to authorize the expenditure of such funds in lieu of state revenues in the motor vehicle fund within the total appropriation provided by law. A copy of the request shall be submitted to the standing committees on transportation and utilities of the house and senate. If the governor approves the highway commission request, he shall transmit one approved copy to the highway commission and identical copies to the standing committees on transportation and utilities of the house and senate.

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

NEW SECTION. 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.

Passed the House June 7, 1975.

Passed the Senate June 2, 1975.

Approved by the Governor July 2, 1975 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State July 2, 1975.

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

"I am returning herewith without my approval as to several items Substitute House Bill No. 427 entitled:

"AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority."

1. Priority programming.

In section 1, page 2, beginning on line 3, I have vetoed the proviso ending on line 8 which allows the Highway Commission to digress from the mandate of the priority programming law in order to "utilize effectively state and federal funds available for highway purposes."

The intent of this proviso is unclear and may be subject to varying interpretations. Existing law already provides for departure from priority programming in any of the following circumstances:

". . . (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development." See RCW 47.05.050.

If the intent of the proviso is to add another situation under which the commission may depart from priority programming, it should be clearly stated. Absent persuasive evidence that would justify such broadening of the exceptions to priority programming, I cannot accept the proviso.

2. Urban Arterial Board.

In section 2, page 3, beginning on line 28, I have vetoed the item ending on line 30 providing for inclusion in the Urgan Arterial Board appropriation of \$5 million from proceeds of sale of series II bonds.

The authorization for issuance of series II bonds was contingent on the enactment of Substitute Senate Bill No. 2159 relating to the variable gasoline tax. Since I have vetoed that bill, it would be inappropriate for this item to remain in the appropriation.

3. Port Townsend-Keystone ferry.

In section 3, page 4, beginning on line 29, I have vetoed the proviso ending on line 33 directing the Toll Bridge Authority to provide year-round ferry service on the Port Townsend-Keystone route. While maintenance of year-round service on this route may be desirable, the difficult circumstances of the motor vehicle fund at this time would make it prudent to allow the Toll Bridge Authority to exercise its discretion in this respect after thorough review of the demand on this route and exigent needs elsewhere.

With the exception of the foregoing items which I have vetoed for the reasons stated, the remainder of the bill is approved."

CHAPTER 280
[House Bill No. 774]
MESSAGE BUSINESS

AN ACT Relating to the operation of massage businesses; adding a new chapter to Title 18 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 18 RCW a new section to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

- (1) "Board" means the state massage examining board;
- (2) "Massage" means the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;
- (3) "Massage operator" means a person engaged in the practice of massage;
- (4) "Director" means the director of the department of motor vehicles.
- (5) Massage business means the operation of a business where massages are given.

NEW SECTION. Sec. 2. There is added to Title 18 RCW a new section to read as follows:

The state massage examining board is hereby created. The board shall consist of three members who shall be appointed by the governor for a term of three years each. Each member shall be a resident of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be actively engaged in the practice of massage during their incumbency. Within thirty days after the effective date of this 1975 act, three members shall be appointed by the governor to serve one, two, and three years