

(15) Section 6, chapter 23, Laws of 1905 and RCW 16.28.140;

(16) Section 15, chapter 23, Laws of 1905 and RCW 16.28.150.

NEW SECTION. Sec. 41. Sections 29 through 35 of this amendatory act shall be added to chapter 22.09 RCW.

*NEW SECTION. Sec. 42. *This 1975 amendatory act shall be effective July 1, 1975.*

*Sec. 42. was vetoed, see message at end of chapter.

Passed the Senate April 4, 1975.

Passed the House April 3, 1975.

Approved by the Governor April 11, 1975, with the exception of section 42 which is vetoed.

Filed in Office of Secretary of State April 12, 1975.

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

"I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 2150 entitled:

"AN ACT Relating to agriculture."

The bill makes a number of changes of a housekeeping nature to various sections in the Revised Code of Washington relating to agriculture.

Section 42 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the present extraordinary session of the Legislature. Since the Legislature has not adjourned, the effect of the July 1, 1975 date is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). This bill does not measure up to that standard of urgency.

With the exception of section 42, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

CHAPTER 8

[Senate Bill No. 2021]

LOCAL GOVERNMENTS—BUILDING CODE FEES

AN ACT Relating to local government; adding a new section to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 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 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW a new section to read as follows:

Nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

*NEW SECTION. Sec. 2. *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.*

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

Passed the Senate March 14, 1975.

Passed the House April 8, 1975.

Approved by the Governor April 14, 1975, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State April 15, 1975.

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

"I am returning herewith without my approval as to one section Senate Bill No. 2021 entitled:

"AN ACT Relating to local government."

This bill allows cities, towns, and counties to set fees at variance with those prescribed in the state building code enacted in 1974.

Section 2 declares an emergency and provides for the act to take effect immediately. I have on several occasions in past sessions, including the recently adjourned regular session of the 44th Legislature, vetoed emergency clauses from bills that did not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I must again raise the same objection in the case of this bill.

I am increasingly apprehensive that repeated use on unwarranted occasions will render emergency clauses meaningless in the eyes of both the people and the courts.

With the exception of section 2 which I have vetoed, the remainder of Senate Bill No. 2021 is approved."

CHAPTER 9

[Senate Bill No. 2079]

CAMPER AND TRAILER TAX—REFUNDS— DELINQUENCY CHARGES

AN ACT Relating to motor vehicles; amending section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170; amending section 59, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.440; and amending section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470.

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

Section 1. Section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the (~~commission~~) department of motor vehicles for a refund of the amount of the claimed erroneous payment within (~~ninety days~~) thirteen months of the time of payment of the tax on such a form as is prescribed by the (~~commission~~) department. The (~~commission~~) department shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.