

participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled employees for health care (~~((coverage shall be identical to that charged active participants))~~) will be developed from the same experience pool as active employees: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage: PROVIDED FURTHER, That such self pay rates will be established based on a separate rate for the employee, the spouse, and the children: PROVIDED FURTHER, That rates for a retired or disabled employee, spouse, or child who is eligible for and who elects to apply for medicare will be actuarially reduced to reflect the value of Part A and Part B of medicare. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. Sec. 7. Section 1, chapter 6, Laws of 1977, section 34, chapter 75, Laws of 1977 and RCW 41.05.020 are each hereby repealed.

NEW SECTION. Sec. 8. This 1977 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 on July 1, 1977: PROVIDED, That if the state operating budget appropriations act does not contain the funds necessary for the implementation of this 1977 amendatory act in an appropriated amount sufficient to fully fund the employer's contribution to the state employee insurance benefits program which is established by the board in accordance with RCW 41.05.050 (2) and (3) as now or hereafter amended, sections 1, 5, and 6 of this 1977 amendatory act shall be null and void.

Passed the Senate May 3, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

CHAPTER 137

[Substitute House Bill No. 821]

SIDEWALK RAMPS

AN ACT Relating to sidewalks; amending section 1, chapter 83, Laws of 1973 and RCW 35.68.075; adding a new section to chapter 35.68 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 83, Laws of 1973 and RCW 35.68.075 are each amended to read as follows:

(1) The standard for construction of curbs on (~~((each side of))~~) any county, city, or town street, or any connecting street or town road for which curbs and sidewalks have been prescribed by the governing body of the county, town, or city having jurisdiction thereover, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons, without uniquely endangering blind persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

(3) Upon the effective date of this 1977 amendatory act, every ramp thereafter constructed under subsection (1) of this section, which serves one end of a crosswalk, shall be matched by another ramp at the other end of the crosswalk. However, no ramp shall be required at the other end of the crosswalk if there is no curb nor sidewalk at the other end of the crosswalk. Nor shall any matching ramp constructed pursuant to this subsection require a subsequent matching ramp.

NEW SECTION. Sec. 2. There is added to chapter 35.68 RCW a new section to read as follows:

By January 1, 1978, the department of general administration shall, pursuant to chapter 34.04 RCW, adopt several suggested model design, construction, or location standards to aid counties, cities, and towns in constructing curb ramps to allow reasonable access to the crosswalk for physically handicapped persons without uniquely endangering blind persons. The department of general administration shall consult with handicapped persons, blind persons, counties, cities, and the building code advisory council in adopting the suggested standards. In addition, the department of general administration shall, within thirty days of the effective date of this 1977 amendatory act and pursuant to RCW 34.04.030, adopt a suggested design or construction standard for curb ramps which may be used by counties, cities, or towns to comply with section 1 of this 1977 amendatory act in the interval between the effective date of this 1977 amendatory act and the adoption of further suggested model standards.

****NEW SECTION. Sec. 3. This 1977 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. 3. was vetoed, see message at end of chapter.

Passed the House May 4, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 1, 1977, with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State June 1, 1977.

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

"I am returning herewith, without my approval as to one section, Substitute House Bill No. 821 entitled:

"AN ACT Relating to sidewalks; amending section 1, chapter 83, Laws of 1973 and RCW 35.68.075; adding a new section to chapter 35.68 RCW; and declaring an emergency."

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

In this case, not only is the use of the clause unwarranted by the urgency of the situation, but the use also eliminates the adjustment period that would be helpful for affected units of local government. For these reasons, I have vetoed this section.

With the exception of section 3, which I have vetoed, the remainder of Substitute House Bill No. 821 is approved."

CHAPTER 138

[House Bill No. 797]

HABITUAL TRAFFIC OFFENDERS

AN ACT Relating to habitual traffic offenders; amending section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090; and declaring an emergency.

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

Section 1. Section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged (~~it shall transfer the case to the court of record making such determination~~), the court shall have jurisdiction for trial of the charge.

NEW SECTION. Sec. 2. This 1977 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.

Passed the House March 22, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

CHAPTER 139

[Substitute Senate Bill No. 2975]

SKIING AND SKI AREAS—SAFETY AND LIABILITY

AN ACT Relating to skiing and commercial ski activity; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. (1) The operator of any ski area shall maintain a sign system.

All signs for instruction of the public shall be bold in design with wording short, simple, and to the point. All such signs shall be prominently placed.