

less than three months prior to the termination of the probation period. The supervisor of probation and parole with the approval of the director of institutions will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the supervisor of probation and parole performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

Sec. 3. Section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.030 are each amended to read as follows:

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under RCW 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. ((In such case)) It shall be the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

Passed the Senate February 20, 1979.

Passed the House March 1, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

## CHAPTER 30

[Substitute Senate Bill No. 2252]

### DEPARTMENT OF TRANSPORTATION—SUPPLEMENTAL APPROPRIATIONS

AN ACT Relating to transportation; making supplemental appropriations; amending section 17, chapter 151, Laws of 1977 ex. sess. (uncodified); amending section 2, chapter 333, Laws of 1977 ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 . . . . \$4,850,000 (all state funds) or so much thereof

as may be necessary for operations and maintenance of the ferry system to supplement tolls.

NEW SECTION. Sec. 2. There is hereby appropriated from the Puget Sound capital construction account in the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 . . . . \$12,621,000 (all state funds) or so much thereof as may be necessary for improving the Washington state ferry system including, but not limited to, acquisition and construction of ferry vessels, major and minor vessel improvements, terminal construction and improvements.

Sec. 3. Section 17, chapter 151, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, the board of pilotage commissioners, and such material in possession of the planning and community affairs agency which relates to transportation, shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1977 amendatory act shall be made available on the effective date of this 1977 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, and the planning and community affairs agency for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1977 amendatory act, shall on the effective date of this 1977 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions. Appropriations to the planning and community affairs agency hereby transferred to the department of transportation, including funds for administration of advanced planning moneys for local public transportation agencies, that are available for administration and state level planning functions may be expended during the period July 1, 1977, through ~~((March 31, 1978))~~ June 30, 1979, to pay that share of the administration and planning activities of the department of transportation relating to nonhighway functions of the department ~~((, pending adoption of the department's supplemental budget as provided in section 25 of this 1977 amendatory act))~~.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1977 amendatory act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION.** Sec. 4. There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1979 . . . \$24,000 (all state funds) or so much thereof as may be necessary to continue the agreement, in accordance with provisions of RCW 47.56.720, between Wahkiakum county and the department of transportation for the operation and maintenance of the Puget Island–Westport ferry.

Sec. 5. Section 2, chapter 333, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

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, 1979 ..... (~~(\$45,315,000)~~) \$27,000,000 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 (~~(\$12,000,000)~~) \$7,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted, or amended by chapter 5, Laws of 1979, and shall further include (~~(\$27,000,000)~~) \$15,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427 as enacted, reenacted, or amended by chapter 5, Laws of 1979: **PROVIDED FURTHER**, That in the event proceeds of motor vehicle fuel tax revenue distributed to the urban arterial trust account in accordance with RCW (~~(82.36.020)~~) 46.68.100, are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420 as enacted, reenacted, or amended by chapter 5, Laws of 1979, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426 as enacted, reenacted, or amended by chapter 5, Laws of 1979: **PROVIDED FURTHER**, That during the 1977–79 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.

**NEW SECTION.** Sec. 6. There is hereby appropriated from the general fund to the department of transportation for the biennium ending June 30, 1979 .... \$186,500 (all federal funds) for supportive services to off-the-job

training program for minority construction workers and for minority contractors training programs: PROVIDED, That this appropriation or so much thereof as may be necessary shall be expended on or before June 30, 1979 and shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 7. 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. 8. 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 Senate February 15, 1979.

Passed the House March 7, 1979.

Approved by the Governor March 13, 1979.

Filed in Office of Secretary of State March 13, 1979.

## CHAPTER 31

[Engrossed Substitute Senate Bill No. 2275]

### HORSE RACING—FEES AND RETENTION PERCENTAGES

AN ACT Relating to horse racing; amending section 7, chapter 55, Laws of 1933 and RCW 67.16.060; amending section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100; amending section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102; amending section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130; adding new sections to chapter 67.16 RCW; and declaring an emergency.

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

Section 1. Section 7, chapter 55, Laws of 1933 and RCW 67.16.060 are each amended to read as follows:

(1) It shall be unlawful;

(a) To conduct pool selling, bookmaking, or to circulate hand books((:));

or

(b) To bet or wager on any horse race other than by the parimutuel method((:)); or

(c) For any licensee to take more than ~~((ten percent of the gross receipts of any parimutuel machine))~~ the percentage provided in section 5 of this 1979 act; or

(d) For any licensee to compute breaks in the parimutuel system otherwise than at five cents.

(2) Any wilful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter,