

government and its existing public institutions, and shall take effect on June 15, 1977.

*Sec. 34. was vetoed, see message at end of chapter.

Passed the Senate May 27, 1977.

Passed the House May 19, 1977.

Approved by the Governor June 6, 1977, with the exception of section 34 which is vetoed.

Filed in Office of Secretary of State June 6, 1977.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2197 entitled:

"AN ACT Relating to escrow"

Section 34 of the bill declares an emergency and provides for the act to take effect on June 15, 1977. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of Section 34, which I have vetoed, the remainder of Substitute Senate Bill No. 2197 is approved."

CHAPTER 157

[Substitute Senate Bill No. 2132]

PUBLIC UTILITY DISTRICTS—COMMISSIONERS' SALARIES

AN ACT Relating to public utility districts; and amending section 4, chapter 207, Laws of 1951 as last amended by section 5, chapter 106, Laws of 1969 and RCW 54.12.080.

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

Section 1. Section 4, chapter 207, Laws of 1951 as last amended by section 5, chapter 106, Laws of 1969 and RCW 54.12.080 are each amended to read as follows:

Each district commissioner of a district operating utility properties (~~serv~~ing more than two thousand customers) shall receive a salary (~~of one hundred fifty dollars per month~~)) during a calendar year which shall depend upon the total gross revenue of the district from its distribution system and its generating system, if any, for the fiscal year ending June 30th prior to such calendar year, based upon the following schedule:

<u>REVENUE</u>	<u>SALARY</u>
<u>OVER \$15 million</u>	<u>\$500 per month</u>
<u>\$2 to 15 million</u>	<u>\$350 per month</u>

Commissioners of other districts shall serve without salary unless the district provides by resolution for the payment thereof, which however shall not exceed ~~((one))~~ two hundred ~~((fifty))~~ dollars per month for each commissioner: PROVIDED, That a commissioner serving a term of office on the effective date of this 1977 amendatory act in a district serving more than two thousand customers but with less than two million dollars gross annual revenue shall receive a salary of two

hundred dollars per month through completion of the present term of office. In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding thirty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such per diem compensation paid during any one year to a commissioner shall not exceed five thousand dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage.

Passed the Senate April 4, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

CHAPTER 158

[Engrossed Senate Bill No. 2159]

ACTIONS FOR DAMAGES—MALICIOUS PROSECUTION

AN ACT Relating to claims; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

Passed the Senate March 14, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

CHAPTER 159

[Senate Bill No. 2202]

PUBLIC LANDS—FOREST DEVELOPMENT ACCOUNT—RESOURCE MANAGEMENT COST ACCOUNT

AN ACT Relating to lands under the jurisdiction and management of the department of natural resources; amending section 6, chapter 154, Laws of 1923 as last amended by section 1, chapter 314,