

am certain the legislature did not intend that result and I would feel obliged to veto the section for that reason, if for no other.

Finally, I have some doubt that section 16 would be upheld as a valid appropriation, if it were attacked on constitutional grounds. Section 16 in its present form would delegate to a legislative committee, in its sole discretion, the function of determining whether or not to "release" all or any part of the \$13,200,000 in question. Considering the nature of appropriation measures as legislation, and the traditional constitutional role of the legislative process, I question whether section 16 would be viewed as a completed appropriation, or whether it would instead be viewed as an improper attempt to delegate legislative power to a committee.

I would propose that the legislature consider as an alternative to section 16 as written an appropriation to the Department of Social and Health Services in contingency funds to be expended only upon certification by that agency to the Legislative Budget Committee and to the Office of Program Planning and Fiscal Management that there exists a need for those funds, and that funds previously appropriated which could have been used for the purposes stated have been exhausted prior to the use of the contingency funds. I believe such an appropriation would accomplish the desired purpose of the legislature in assuring that the funds are expended only upon the occurrence of certain contingencies.

With the exception of section 16, which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill No. 111 is approved."

CHAPTER 10

[House Bill No. 124]

DEPARTMENT OF NATURAL RESOURCES LANDS— FIREWOOD CUTTING PERMITS

AN ACT Relating to the department of natural resources; amending section 1, chapter 97, Laws of 1945 and RCW 76.20.010; amending section 3, chapter 97, Laws of 1945 and RCW 76.20.030; adding a new section to chapter 97, Laws of 1945 and to chapter 76.20 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 97, Laws of 1945 and RCW 76.20.010 are each amended to read as follows:

The ~~((commissioner of public lands))~~ department of natural resources may issue ~~((annual))~~ licenses to residents of this state ~~((who are citizens of the United States or have declared their intention to become such))~~ to enter upon lands ~~((belonging to the state))~~ under the administration or jurisdiction of the department of natural resources for the purpose of removing therefrom ~~((dead))~~, standing or downed timber which is unfit for any purpose except to be used as firewood.

Sec. 2. Section 3, chapter 97, Laws of 1945 and RCW 76.20.030 are each amended to read as follows:

The application may be made to the ~~((commissioner of public lands or his duly qualified representative for that purpose))~~ department of natural resources, and if deemed proper, the license may be issued upon the payment of ~~((one dollar))~~ two dollars and fifty cents which shall be paid into the treasury of the state by the officer collecting the same and placed in the ~~((state general fund))~~ resource management cost account; the license shall be dated as of the date of issuance and authorize the holder thereof to remove between the dates ~~((of October 15th and February 15th of the following year))~~ so specified not more than ~~((twelve))~~ six cords of wood not fit for any use but as firewood for the use of himself and family

from the premises described in the license under such regulations as the ((~~commissioner of public lands~~)) department of natural resources may prescribe.

NEW SECTION. Sec. 3. There is added to chapter 97, Laws of 1945 and to chapter 76.20 RCW a new section to read as follows:

Whenever the department of natural resources determines that it is in the best interest of the state and there will be a benefit to the lands involved or a state program affecting such lands it may designate specific areas and authorize the general public to enter upon lands under its jurisdiction for the purposes of cutting and removing standing or downed timber for use as firewood for the personal use of the person so cutting and removing without a charge under such terms and conditions as it may require.

**NEW SECTION. Sec. 4. 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. 4. was vetoed; see message at end of chapter.

Passed the House February 11, 1975.

Passed the Senate March 6, 1975.

Approved by the Governor March 20, 1975, with the exception of Section 4 which is vetoed.

Filed in Office of Secretary of State March 20, 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. 124 entitled:

"AN ACT Relating to the department of natural resources."

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. Our constitution states that bills shall take effect ninety days after adjournment of the legislative session at which it was enacted. The purpose for this is to allow the people to exercise their right of referendum. Only one exception to this is recognized: laws "necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." Art. II(1)(b).

House Bill No. 124 does not meet the constitutional criteria required to take effect immediately and to remove thereby the right of referendum. In fact, I am advised by the department of natural resources that the emergency clause is unnecessary.

I would remind the legislature that our state constitution requires more circumspect use of emergency clauses.

With the foregoing exception, I have approved the remainder of House Bill No. 124."

CHAPTER 11

[House Bill No. 127]

TELEVISION RECEPTION IMPROVEMENT DISTRICTS—ANNUAL SET TAX

AN ACT Relating to television reception improvement districts; and amending section 10, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.100.

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