

vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the ~~((public-service))~~ utilities and transportation commission and those applying to the county assessor shall apply to the ~~((tax-commission))~~ department of revenue.

Passed the Senate February 10, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of section 2, which is vetoed.

Filed in the office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:
"...This bill was introduced at the request of the Department of Motor Vehicles for the purpose of reducing some of the administrative expenses of collecting motor vehicle and fuel taxes. As originally introduced, section 2 added as an additional exemption from the use fuel tax special mobile equipment such as road graders. In the form presented to me for my approval, the bill now exempts all publicly owned motor vehicles. Because of the language of the bill, it is unclear whether this result was intended. This provision has a substantial financial impact on the state budget.

In addition to these revenue losses there appears to be a greater problem in the deletion of the comma on line 25 of page one of the engrossed bill and the insertion of the word 'and.' The language results in confusion as to whether private construction companies doing construction and maintenance work on streets and highways would be exempt from the gasoline tax. Rather than to leave these issues clouded and because of substantial financial impact upon the state budget, I have vetoed section 2.

It is my hope that the Legislature will act to amend this section in accordance with the original request of the Department of Motor Vehicles.

With the exception of section 2, which I have vetoed, the remainder of Engrossed Senate Bill No. 105 is approved."

CHAPTER 140
[Senate Bill No. 52]
STATE TORT CLAIMS
REVOLVING FUND

AN ACT Relating to state government; amending section 7, chapter 159, Laws of 1963, and RCW 4.92.130; amending section 10, chapter 159, Laws of

1963, and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963, and RCW 4.92.170; adding new sections to chapter 159, Laws of 1963 and to chapter 4.92 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 7, chapter 159, Laws of 1963, and RCW 4-.92.130 are each amended to read as follows:

A tort claims ~~((account))~~ revolving fund in the ~~((state-general-fund))~~ custody of the treasurer is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct. No money shall be paid from the tort claims ~~((account))~~ revolving fund unless:

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with RCW 4.92.140.

Sec. 2. Section 10, chapter 159, Laws of 1963, and RCW 4.92-.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims ~~((account))~~ revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 3. Section 11, chapter 159, Laws of 1963, and RCW

4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims ~~((account))~~ revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the ~~((account))~~ revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims ~~((account))~~ revolving fund, all payments made therefrom, all reimbursements made there-to, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including

those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims (~~(account)~~) revolving fund, in reimbursing the (~~(account)~~) revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 4. There is added to chapter 159, Laws of 1963 and to chapter 4.92 RCW a new section to read as follows:

All funds remaining in the tort claims account on the effective date of this 1969 amendatory act are hereby transferred to the tort claims revolving fund, and the tort claims account created by section 7, chapter 159, Laws of 1963 and chapter 4.92 RCW is hereby abolished.

NEW SECTION. Sec. 5. 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. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate March 7, 1969
Passed the House March 13, 1969
Approved By the Governor March 25, 1969
Filed in office of Secretary of State March 25, 1969

CHAPTER 141
[Senate Bill No. 277]
WHITE CANE LAW--BLIND,
VISUALLY HANDICAPPED AND
OTHERWISE PHYSICALLY DISABLED PERSONS

AN ACT Relating to the blind, the visually handicapped, and the otherwise physically disabled; repealing section 1, chapter 48, Laws of 1959 and RCW 49.60.216; repealing section 46.60.260, chapter 12, Laws of 1961 as amended by section 66, chapter 32, Laws of 1967, and RCW 46.61.265; repealing section 46.60.270, chapter 12, Laws of 1961 and RCW 46.61.270; repealing section 81.28.140,