

Veto  
Message

utilize a portion of these funds for interim financing of Firland and to fund other mandatory legislation for which an appropriation was not provided in the rush of passing a supplemental budget in the last moments of the session. Any remaining balance will be placed in unallotted status and reverted at the end of the biennium.

2. State Treasurer - State Revenue  
for Distribution

On page 9, beginning on line 14, I have vetoed the following language: not to exceed 15% of revenues. This language is inconsistent with SB 156 which requires the Treasurer to distribute 25% of the snowmobile registration fees to county treasurers. I believe the intent of the substantive legislation should be followed, rather than the erroneous provision in a hastily considered supplemental appropriations bill.

3. Interim Committee on Water  
Resources.

On page 10, on lines 32 and 33, I have vetoed the appropriation to the Interim Committee on Water Resources. I have been advised by the Speaker of the House and other legislators that such an interim committee was not appointed.

With the exception of the items described above, the remainder of the bill is approved."

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CHAPTER 302  
[Engrossed Substitute Senate Bill No. 441]  
CRIMES AND CRIMINAL PROCEDURE--  
REGULATION OF OUTDOOR MUSIC FESTIVALS

AN ACT Relating to crimes and criminal procedure; providing for the regulation of outdoor music festivals; amending section 1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010; amending section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9.41.070; amending section 2, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.110; amending section 3, chapter 79, Laws of 1969 ex. sess. and RCW

9.40.120; amending section 4, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.130; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; amending section 18, chapter 137, Laws of 1969 ex. sess. as amended by section 3, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.135; amending section 400, chapter 249, Laws of 1909 as amended by section 23, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.270; amending section 401, chapter 249, Laws of 1909 as amended by section 24, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.280; adding new sections to Title 70 RCW; amending section 1, page 124, Laws of 1886 and RCW 10.85.030; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 5, chapter 13, Laws of 1965 as amended by section 5, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.050; adding new sections to chapter 10.85 RCW; creating new sections; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010 are each amended to read as follows:

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

Sec. 2. Section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9.41.070 are each amended to read as follows:

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for ~~((not more than one year))~~ two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addition or of habitual drunkenness or of confinement to a mental institution; PROVIDED, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. The license shall be in

triplicate, in form to be prescribed by the state director of motor vehicles, and shall bear the name, address, and description, fingerprints and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of motor vehicles and the triplicate shall be preserved for six years, by the authority issuing said license.

(1) The fee for the original issuance of ((such)) a two-year license shall be ((one dollar which shall be paid into the state treasury)) five dollars: PROVIDED, That the fee shall be distributed as follows:

(a) Two dollars shall be paid to the state general fund;

(b) One dollar fifty cents shall be paid to the agency taking the fingerprints of the person licensed; and

(c) One dollar fifty cents shall be paid to the issuing authority for the purpose of enforcing this chapter.

(2) The fee for the renewal of such license shall be three dollars: PROVIDED, That the fee shall be distributed as follows:

(a) One dollar shall be paid to the state general fund; and

(b) Two dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

Sec. 3. Section 2, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.110 are each amended to read as follows:

For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) ("Fire bomb" means a breakable container containing a flammable liquid with a flash point of 170 degrees Fahrenheit or less; having a wick or similar device capable of being ignited) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be ((a fire bomb)) an incendiary device for purposes of this section.

Sec. 4. Section 3, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.120 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of ((a firebomb)) an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years.

Sec. 5. Section 4, chapter 79, Laws of 1969 ex. sess. and RCW

9.40.130 are each amended to read as follows:

RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of ~~((a fire bomb))~~ an incendiary device for the parties or purposes described in this section.

Sec. 6. Section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030 are each amended to read as follows:

The killing of a human being, unless it is excusable or justifiable, is murder in the first degree when committed either--

(1) With a premeditated design to effect the death of the person killed, or of another; or,

(2) By an act imminently dangerous to others and evincing a depraved mind, regardless of human life, without a premeditated design to effect the death of any individual; or,

(3) Without design to effect death, by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of, a robbery, rape, burglary, larceny or arson in the first degree; or,

(4) By maliciously interfering or tampering with or obstructing any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure or appliance pertaining to or connected with any railway, or any engine, motor or car of such railway; or,

(5) Without design to effect death, by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of any crime involving the use of any incendiary device as defined in RCW 9.40.110, as now or hereafter amended, or the use of any explosive as defined in RCW 70.74.010, as now or hereafter amended.

Murder in the first degree shall be punishable by imprisonment in the state penitentiary for life, unless the jury shall find that the punishment shall be death; and in every trial for murder in the first degree, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the death penalty shall be inflicted; and if such special verdict is in the affirmative, the penalty shall be death, otherwise, it shall be as herein provided. All executions in accordance herewith shall take place at the state penitentiary under the direction of and pursuant to arrangements made

V- by the superintendent thereof.

Sec. 7. Section 16, chapter 137, Laws of 1969 ex. sess. as amended by section 3, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.135 are each amended to read as follows:

All persons desiring to purchase explosives except handloader components shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an individual;
- (6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the use of explosives, lack suitable facilities therefor, have been convicted of a (~~crime involving moral turpitude~~) felony involving force or violence, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof; or for any violation of this chapter.

Sec. 8. Section 400, chapter 249, Laws of 1909 as amended by section 23, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.270 are each amended to read as follows:

Every person who shall maliciously place any explosive substance or material in, upon, under, against or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure the same if exploded, shall be guilty of a felony, and if the circumstances and surroundings are such that the safety of any person might be endangered by the explosion thereof, shall be punished by imprisonment in the state penitentiary for not less than five years nor more than twenty-five years.

Sec. 9. Section 401, chapter 249, Laws of 1909 as amended by section 24, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.280 are each amended to read as follows:

Every person who shall maliciously, by the explosion of gunpowder or any other explosive substance or material, destroy or damage any building, car, airplane, vessel, common carrier, railroad track, public utility transmission system or structure, shall be punished as follows:

(1) If thereby the life or safety of a human being is endangered, by imprisonment in the state penitentiary for not less than five years nor more than ((twenty)) twenty-five years; V

(2) In every other case by imprisonment in the state penitentiary for not more than five years.

Sec. 10. Section 1, page 124, Laws of 1886 and RCW 10.85.030 are each amended to read as follows: V

The county commissioners in the several counties of the state, when in their opinion the public good requires it, are hereby authorized to offer and pay a suitable reward, not to exceed five (~~hundred~~) thousand dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

NEW SECTION. Sec. 11. There is added to chapter 10.85 RCW a new section to read as follows:

The legislative authority of any city or town, when in the opinion of such legislative authority the public good requires, is hereby authorized to offer and pay a suitable reward, not to exceed five thousand dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

NEW SECTION. Sec. 12. There is added to chapter 10.85 RCW a new section to read as follows:

When more than one claimant applies for the payment of any reward, offered by the legislative authority of any city or town, such legislative authority shall determine, in their respective cities and towns, to whom the same shall be paid, and if more than one person, in what proportion to each. The determination of the legislative authority shall be final and conclusive.

NEW SECTION. Sec. 13. There is added to chapter 10.85 RCW a new section to read as follows:

Whenever any reward has been offered by any legislative authority of any city or town in the state, for the apprehension of any person or persons, convicted of or charged with any criminal offense, if the offense be a felony, the person or persons who shall first apprehend, bring back and secure such person or persons so charged, shall be entitled to such reward, and the legislative authority of a city or town which has offered such reward, is

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authorized to draw a warrant or warrants on the city or town treasurer for the amount of such reward, and said treasurer shall pay the amount of said warrant or warrants, out of any money in the city or town treasury not otherwise appropriated.

Sec. 14. Section 2, chapter 132, Laws of 1945 and RCW 13.04.130 are each amended to read as follows:

((Neither the fingerprints nor a photograph shall be taken of)) Any child under the age of eighteen years taken into custody ((for any purpose without the consent of juvenile court)) upon probable cause that such child has committed an act which would constitute a felony if such child were an adult or for lesser offenses involving dangerous drugs, or narcotic drugs shall be fingerprinted and photographed by the law enforcement agency which takes such child into custody. Fingerprints and photographs taken pursuant to this section shall be kept in a separate "Juvenile Confidential" file maintained by the arresting law enforcement agency for such purpose and shall not be a public record unless the juvenile court so orders. The "Juvenile Confidential" file shall be separate from all adult files and access to such files shall be limited to authorized personnel only. Fingerprints and photographs authorized under this section shall not be taken of a boy or girl fourteen years of age or younger without the consent of, and pursuant to an order by, the juvenile court.

Fingerprints and photographs taken pursuant to this section shall be used for identification purposes only and the law enforcement agency which takes such fingerprints and photographs shall retain the originals thereof. In each instance where fingerprints and photographs are taken, the law enforcement agency shall forward a written report of the alleged offense to the juvenile court.

Any law enforcement agency, except such agencies located in cities with a population of seventy-five thousand or more, which takes fingerprints and photographs authorized by this section shall forward, for the purposes of identification only, such fingerprints and photographs together with the name, address, date of birth, age and sex of the child in custody to the sheriff or director of public safety of the county wherein the arresting law enforcement agency is located. The sheriff or director of public safety shall keep such information in a "Juvenile Confidential" file in the same manner as the arresting law enforcement agency. Sheriffs and directors of public safety or chiefs of police in cities with a population of seventy-five thousand or more are authorized to release fingerprints and photographs taken pursuant to this section to other law enforcement agencies only on specific request and only for the purpose of identification.

Sec. 15. Section 5, chapter 13, Laws of 1965 as amended by section 5, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency or the department of ~~((public assistance))~~ social and health services to investigate and provide child welfare services with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

NEW SECTION. Sec. 16. Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the state of Washington or any political subdivision thereof, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be guilty of a gross misdemeanor.

Nothing in this section shall interfere with or prevent the exercise by any court of the state of Washington or any political subdivision thereof of its power to punish for contempt.

NEW SECTION. Sec. 17. There is added to chapter 27, Laws of 1959 and to chapter 69.33 RCW a new section to read as follows:

The sheriff of each county and the chief of police of any city or town may submit the names of not more than three of their deputies or officers of their departments to the chief of the state patrol to serve as special narcotics and dangerous drug agents of the Washington state patrol. Such agents shall have state-wide jurisdiction to investigate any suspected violation of the provisions of chapter 69.33 RCW and 69.40 RCW if such suspected violation is believed to have occurred in whole or in part within their local jurisdiction.

Whenever such agents travel outside their local jurisdiction to investigate a possible violation of chapters 69.33 or 69.40 RCW such agents shall register with the sheriff of the county and if operating within a town or city, with the chief of police of such town or city before such agents may engage in any enforcement



V activities therein. Any such agent shall have power to arrest in all jurisdictions in which he is registered: PROVIDED, That such arrest power shall be limited to arrests for violations of chapter 69.33 and 69.40 RCW.

For purposes of this section such agents will be considered to be acting in behalf of their local law enforcement agency, shall continue on the staff of such agency with all rights and benefits, and shall not be deemed to be officers or employees of the Washington state patrol.

NEW SECTION. Sec. 18. There is added to chapter 9.91 RCW a new section to read as follows:

(1) It shall be unlawful for any person, firm or corporation engaged in the business of buying or otherwise obtaining new, used or secondhand metals to purchase or otherwise obtain such metals unless a permanent record of the purchase of such metals is maintained: PROVIDED, That no such record need be kept of purchases made by or from a manufacturer, remanufacturer or distributor appointed by a manufacturer of such metals.

For the purpose of this section the term "metals" shall mean copper, copper wire, copper cable, copper pipe, copper sheets and tubing, copper bus, aluminum wire, brass pipe, lead, electrolytic nickel and zinc.

(2) The permanent record required by subsection (1) of this section shall contain the following:

- (a) a general description of all property purchased;
- (b) the type and quantity or weight;
- (c) the name, address, driver's license number, and signature of the seller or the person making delivery; and,
- (d) a description of any motor vehicle and the license number thereof used in the delivery of such metals.

The information so recorded shall be retained by the purchaser for a period of not less than one year.

(3) Any violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

NEW SECTION. Sec. 19. The legislative hereby declares it to be the public interest, and for the protection of the health, welfare and property of the residents of the state of Washington to provide for the orderly and lawful conduct of outdoor music festivals by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained. This invocation of the police power is prompted by and based upon prior experience with outdoor music festivals where the enforcement of the existing laws and regulations on dangerous and narcotic drugs, indecent exposure,

intoxicating liquor, and sanitation has been rendered most difficult by the flagrant violations thereof by a large number of festival patrons.

NEW SECTION. Sec. 20. Nothing in this act shall be construed as precluding counties, cities and other political subdivisions of the state of Washington from enacting ordinances or regulations for the control and regulation of outdoor music festivals nor shall this act repeal any existing ordinances or regulations.

NEW SECTION. Sec. 21. For the purposes of this act the following words and phrases shall have the indicated meanings:

(1) "Outdoor music festival" or "music festival" or "festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is two thousand persons or more and where the duration of the program is five hours or longer: PROVIDED, That this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held: PROVIDED, FURTHER, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

(2) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor music festival.

(3) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the appropriate legislative authority for a license to hold an outdoor music festival.

(4) "Issuing authority" means the legislative body of the local governmental unit where the site for an outdoor music festival is located.

(5) "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival. A person shall be presumed to have knowingly provided as that phrase is used herein after he has been served with a court order.

NEW SECTION. Sec. 22. No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor music festival unless a valid permit has been obtained from the issuing authority for the operation of such music festival as provided for by this act. One such permit shall be required for each outdoor music festival. A permit may be granted

for a period not to exceed sixteen consecutive days and a festival may be operated during any or all of the days within such period. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this act shall be subject to the appropriate penalties as prescribed by this act.

NEW SECTION. Sec. 23. Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than sixty days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

(d) Sewage disposal

(e) Food preparation facilities

(f) Toilet facilities

(g) Solid waste

(h) Insect and rodent control

(i) Shelter

(j) Dust control

(k) Lighting

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is

to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs.

(c) During the hours that the festival site shall be open to the public there shall be at least one police officer for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site: PROVIDED, That the local enforcement authority may authorize an additional or lesser number of police officers to be in attendance at the festival site at such times or in such numbers as he deems necessary in keeping with the provisions of this act. The officers referred to by this subsection shall be counted as part of the twenty percent quota referred to in subsection (b) of subsection (9).

(d) All law enforcement personnel shall be charged with enforcing the provisions of this act and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the office of the state fire marshal that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this act.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

NEW SECTION. Sec. 24. Within twenty-one days after the filing of the application the issuing authority shall either approve or deny the permit to the applicant. Any denial shall set forth in

detail the specific grounds therefor. The applicant shall have ten days after the receipt of such denial or such additional time as the issuing authority shall grant to correct the deficiencies set forth and the issuing authority shall within fourteen days after receipt of such corrections either approve or deny the permit. Any denial shall set forth in detail the specific grounds therefor.

After the applicant has filed corrections and the issuing authority has thereafter again denied the permit, the applicant may within five days after receipt of such second denial seek judicial review of such denial by filing a petition in the superior court for the county of the issuing authority. The review shall take precedence over all other civil actions and shall be conducted by the court without a jury. The court shall, upon request, hear oral argument and receive written briefs and shall either affirm the denial or order that the permit be issued. An applicant may not use any other procedure to obtain judicial review of a denial.

NEW SECTION. Sec. 25. Any local agency requested by an applicant to give written approval as required by section 23 of this act may within fifteen days after the applicant has filed his application apply to the issuing authority for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred the issuing authority shall reimburse the local agency therefor from the funds of the permit fee. The issuing authority shall prior to the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

NEW SECTION. Sec. 26. After the application has been approved the promotor shall deposit with the issuing authority, a cash deposit or surety bond in the amount of one hundred fifty thousand dollars. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the promoter when the issuing authority is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned: PROVIDED, That the bond or cash deposit or the uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury

negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the issuing authority of the permit as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this act. The policy shall have the issuing authority of the permit as an additional named insured.

NEW SECTION. Sec. 27. Revocation of any permit granted pursuant to this act shall not preclude the imposition of penalties as provided for in this act and the laws of the state of Washington. Any permit granted pursuant to the provisions of this act to conduct a music festival shall be summarily revoked by the issuing authority when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

Any permit granted pursuant to the provisions of this act to conduct a music festival may otherwise be revoked for any material violation of this act or the laws of the state of Washington after a hearing held upon not less than three days notice served upon the promoter personally or by certified mail.

Every permit issued under the provisions of this act shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the appropriate authority to revoke such permit is a consideration of its issuance.

NEW SECTION. Sec. 28. No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any narcotic or dangerous drug as defined by chapters 69.33 or 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

NEW SECTION. Sec. 29. No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation unless waived by occupants.

NEW SECTION. Sec. 30. No person under the age of sixteen years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall

be provided upon request.

NEW SECTION. Sec. 31. Any permit granted pursuant to this act shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall be not transferable or assignable without the consent of the issuing authority.

V. NEW SECTION. Sec. 32. Any person who shall violate any provision of this act or knowingly participate in a music festival, or who shall, having obtained a permit pursuant to this act, wilfully fail to comply with the rules, regulations and conditions set forth in this act or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor.

NEW SECTION. Sec. 33. Sections 19 through 32 of this act shall be added to Title 70 RCW.

NEW SECTION. Sec. 34. 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.

NEW SECTION. Sec. 35. 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.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items and section which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

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

"...In three separate sections, the legislature provided for mandatory minimum sentences, actions which are contrary to current trends in the criminal justice field, and which take away discretion from the judiciary, the parole board, and the administrators of our correctional programs. Further more, veto of these sections is consistent with the Legislative Council's proposed comprehensive revision of the State Criminal Code which does not contain mandatory minimum sentences, despite dealing with the most serious types of crimes.

Veto  
Message

I have vetoed Section 6 of the act which expands the crime of first degree murder to include homicides occurring during commission of, or withdrawal from, the scene of any crime involving incendiary devices or explosives. My reasons for this action arise from my well-known opposition to

expansion of applicability of the death penalty. It is unwise automatically to attach such a sanction to acts regardless of surrounding circumstances, particularly when under present law, murder in the first degree encompasses any homicide resulting from an act imminently dangerous to human life. Also, present law, coupled with provisions in this bill which I have approved will classify as second degree murder, with the possibility of application of the life sentence penalty, the acts contained in this vetoed section.

Veto  
Message

I have removed from the bill sections which provide for up to a \$5,000 reward for the apprehension, bringing back and securing of any alleged or convicted felon. I have done so in the belief that the specific language in these provisions amounts to enabling legislation for bounty hunters and vigilante action by citizens untrained in the specialized techniques of law enforcement. This could only increase the danger to citizens and law enforcement officials alike.

I have vetoed in its entirety the provision in the act authorizing the police in their discretion to fingerprint and photograph juveniles. Not only may fingerprints and photographs be obtained under present law simply by securing the permission of the juvenile court, but this subject is directly covered in the nearly completed revision of the juvenile code undertaken by a committee of broad representation, including the judicial council, prosecuting attorneys, juvenile court judges, juvenile probation officers, law enforcement officials, Department of Social and Health Services staff, the Attorney General and others. It would be untimely to adopt this single provision when a comprehensive treatment of juvenile court law and the law relating to juvenile offenders will be presented to the 1972 session of the Legislature.

In hope of preserving its constitutionality, I have vetoed portions of Section 16 dealing with demonstrations and picketing in or near courthouses. Legislation regulating conduct in the areas of thought or expression must stay within the bounds of our basic constitutional framework. As revised by veto action, the bill now punishes acts which amount to obstruction of or interference with the judicial process. Such conduct is not protected under the first amendment and should not go unregulated if we are to preserve for each citizen the orderly processes of government.



The State Patrol and many police chiefs and sheriffs throughout the state have communicated to me their displeasure with Section 17, which grants statewide powers to local law enforcement officials for enforcement of drug laws in certain situations. This state has a strong history of combating statewide crime problems through cooperation and coordination which would be seriously weakened by this increase in power to local law enforcement without proper checks or controls when cross-jurisdictional problems occur. Rather than cooperation, this section would inevitably foster conflict among local police agencies. A further problem exists in that the investigation authority under this provision may well be repealed by the Uniform Controlled Substances Act, Second Substitute Senate Bill 146.

Included in this bill is an excellent piece of legislation providing for comprehensive regulation of outdoor music festivals which have presented the state with grave law enforcement and health problems in recent years. Inasmuch as music festivals have presented problems to local governmental units which are beyond their ability to respond, and to assure a consistent, planned, statewide approach, the state must assume a necessarily pre-emptive regulatory role. I have therefore vetoed Section 20 of this bill.

I have vetoed those portions of the bill as to outdoor music festivals which set fixed amounts for required bonds and evidence of insurance. I have taken this action to insure flexibility in the state's efforts at control. Fixed amounts may well prove too low for some poorly conceived activities, yet be far too high for relatively well-organized activities.

The veto action taken in Section 32 is technical, to correct an obvious drafting error making it an offense to participate in a music festival regardless of its legality. The section as vetoed now makes it a crime, as I am sure was the legislative intent, to fail to comply with the rules and conditions of the act."