

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 4 which I have vetoed, the remainder of Engrossed Senate Bill No. 2265 is approved."

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## CHAPTER 286

[Engrossed Senate Bill No. 2401]

### ADJUSTMENT OF WORKMEN'S COMPENSATION PAYMENTS

AN ACT Relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW; and providing an effective date.

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

Section 1. Section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and for the amount of any increase payable under the provisions of section 2 of this 1975 amendatory act and shall be no more than necessary to make such payments on a current basis.

NEW SECTION. Sec. 2. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Effective July 1 of each year, the compensation or death benefits payable pursuant to the provisions of this chapter, for temporary total disability, permanent total disability or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) For those whose right to compensation was established on or after July 1, 1971, and before July 1, 1975, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable in the fiscal year ending June 30, 1975. After the initial adjustment has been made, subsequent adjustments shall be made in the same manner as provided in section 2 of this 1975 amendatory act, provided that the base upon which such

subsequent adjustments are made shall be the amount of compensation determined after the initial adjustment.

**NEW SECTION.** Sec. 3. For persons under the age of 62 receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a.

**\*NEW SECTION.** Sec. 4. *This act shall take effect on July 1, 1975.*

\*Sec. 4. was vetoed, see message at end of chapter.

Passed the Senate June 8, 1975.

Passed the House June 8, 1975.

Approved by the Governor July 2, 1975 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

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

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 2401 entitled:

"AN ACT Relating to adjustment of workmen's compensation payments."

This bill provides for certain cost of living increases for workmen's compensation payments.

Section 4 sets an effective date for the act of July 1, 1975. Without such a designated date, the act would go into effect ninety days after the adjournment of the recent extraordinary session of the Legislature. The effect of the July 1, 1975 date in this case is to cut short the ninety-day period during which the people have the right pursuant to Article II, section 1(d) of our Constitution, to subject the measure to referendum. I have serious reservations about the constitutionality of an effective date of this kind, inasmuch as the Constitution provides that an act shall not be subject to referendum if it is necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." See Article II, section 1(b). Whether or not the bill would ever be subjected to a referendum effort, it simply does not measure up to that standard of urgency.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of the bill is approved."

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## CHAPTER 287

[Engrossed Senate Bill No. 2403]

### MOTOR VEHICLE VIOLATIONS— PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS

AN ACT Relating to motor vehicles; amending section 3, chapter 1, Laws of 1969 and RCW 46.61-.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.515; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 2, chapter 38, Laws of 1973 2nd ex. sess. and RCW 46.61.520; amending section 1, chapter 1, Laws of 1969 and RCW 46.20.308; adding a new section to chapter 46.61 RCW; repealing section 61, chapter 155, Laws of 1965 ex. sess. and RCW 46.61-.510; and declaring an emergency.