

Veto
Message

that I have no sympathy for those who sell or attempt to sell narcotic or dangerous drugs, nor do I, in any way, mean to infer that the law should not deal strictly with such persons. However, I have had to veto this section for technical reasons. Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act, which I have signed into law, replaces and repeals the previous laws of this state relating to narcotic or dangerous drugs. The new law does not define narcotic or dangerous drugs but sets up five classifications of controlled substances. There is, as a consequence, no definition to which section 2 of SB 108 can refer. Furthermore, SSSB 146 does not at any point define sale or attempted sale either for profit or without profit as a crime. Delivery is defined as a criminal violation but sale is not. As a consequence, once again, there is nothing in this aspect to which section 2 of SB 108 can refer. Section 2 is thus technically deficient and would create confusion and ambiguity in the law.

For these reasons, but with the hope that appropriate controls of the problems of drug trafficking and drug abuse will continue to be acted upon by the legislature, as done in SSSB 146 and SB 273, I have vetoed section 2 of SB 108 and have approved section 1."

CHAPTER 296
[Engrossed Senate Bill No. 691]
FINANCING OF PUBLIC TRANSPORTATION SERVICE

AN ACT Relating to revenue and taxation and public transportation; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 5, chapter 111, Laws of 1965 ex. sess. as amended by section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050; amending section 6, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.060; creating new sections.

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

NEW SECTION. Section 1. The legislature finds that adequate public transportation systems are necessary to the economic, industrial and cultural development of the urban areas of this state

and the health, welfare and prosperity of persons who reside or are employed in such areas or who engage in business therein and such systems are increasingly essential to the functioning of the urban highways of the state. The legislature further finds and declares that fares and tolls for the use of public transportation systems cannot maintain such systems in solvent financial conditions and at the same time meet the need to serve those who cannot reasonably afford or use other forms of transportation. The legislature further finds and declares that additional and alternate means of financing adequate public transportation service are necessary for the cities, metropolitan municipal corporations and counties of this state which provide such service.

NEW SECTION. Sec. 2. There is added to chapter 82.14 RCW a new section to read as follows:

The governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county, which owns and operates a public transportation system, while not required by legislative mandate to do so, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of metropolitan public transportation pursuant to chapter 35.58 RCW and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter to be effective on or after July 1, 1972; that such proposition submitted to the voters for authorization shall include language stating that such proposition shall be partially financed by the levying of an additional three-tenths of one percent per dollar on sales transactions within King county: PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to the 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, 1st ex. sess., Laws of 1969: AND PROVIDED FURTHER, That after June 30, 1973 no sales or use tax levied and collected pursuant to the 1971 amendatory act may be used as such qualifying matching funds. Such tax shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon

the occurrence of any taxable event within such city, county or metropolitan municipal corporation as the case may be. The rate of such tax imposed by such city, county or metropolitan municipal corporation shall be three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax): PROVIDED, HOWEVER, That in the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city or county wholly or partly within such metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization: PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this 1971 amendatory act, no city within such county or wholly or partly within such metropolitan municipal corporation shall impose an excise tax pursuant to RCW 35.95.040.

Sec. 3. Section 6, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in a special fund under the custody of the state treasurer to be known as the local sales and use tax revolving fund. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

Sec. 4. Section 7, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.060 are each amended to read as follows:

Bimonthly the state treasurer shall make distribution from the local sales and use tax revolving fund to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 5. If any provision of this 1971 amendatory 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 7, 1971.

Passed the House May 9, 1971.

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

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

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

"...This bill permits the voters within the boundaries of a metropolitan municipal corporation to authorize a local sales tax of three tenths of a percent in lieu of the local household tax in Class AA Counties. It provides the funding mechanism for the financing of a public transportation system to be operated by a metropolitan municipal corporation. Monies raised at the local level through the imposition of the additional sales tax are matchable, with certain limitations, with state funds.

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Section 2 provides that the metro council may submit an authorizing proposition to the voters with respect to the issue of the imposition of the sales tax. There is an ambiguity in the first sentence of section 2 with respect to the reference to ownership of a public transportation system. In order to avoid any uncertainty I have, for clarification purposes, item vetoed that reference.

Section 2 also contains a requirement that the proposition submitted to the voters shall include language

stating that such proposition shall be partially financed by the levying of an additional three tenths of one percent per dollar on sales transactions "within King County". The reference to "King County" creates internal inconsistencies within the bill since the bill pertains to a city within a Class AA County, a Class AA County, or any metropolitan municipal corporation within a Class AA County. Since the tax authorization will, in any event, be included in the ballot proposition the clause is functionally superfluous. Accordingly, this item has been vetoed.

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Section 2 contains a proviso that after June 30, 1973, no sales or use tax levied and collected pursuant to this act may be used as qualifying matching funds. The effect of this proviso will be that a Class AA County which approves a sales tax will lose state matching funds after 1973 even though cities in all other counties would continue to be eligible to receive state matching funds for public transportation systems. After careful consideration of this question, I have determined to item veto this proviso. With this matching capability restored, the needed long-term funding support for public transportation within a Class AA County will be provided.

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

CHAPTER 297

[Engrossed Senate Bill No. 465]

PILOTAGE--

STUDY AUTHORIZED--

INVESTIGATIONS AND HEARINGS ON PILOTAGE SERVICES

AN ACT Relating to pilotage on Puget Sound; amending section 9, chapter 18, Laws of 1935 as amended by section 6, chapter 15, Laws of 1967 and RCW 88.16.030; amending section 3, chapter 18, Laws of 1935 as amended by section 2, chapter 15, Laws of 1967 and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as amended by section 3, chapter 15, Laws of 1967 and RCW 88.16.070; and amending section 13, chapter 18, Laws of 1935 and RCW 88.16.100; and declaring an emergency.

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

Section 1. Section 9, chapter 18, Laws of 1935 as amended by