

Veto message, excerpt.

over to the new department of natural resources forestry functions previously administered by the department of conservation and development. If I permitted sections 1, 2 and 3 of House Bill No. 185 to stand, the director of conservation and development would have to exercise the functions granted specifically by Substitute House Bill No. 68 to the commissioner of public lands.

"The sponsors of this bill did not intend to reach this result.

"Sections 4, 5, 6, 7 and 8 of House Bill No. 185 are entirely meritorious and should be enacted.

"For the reasons indicated, sections 1, 2 and 3 are vetoed and the remainder of the bill is approved."

CHAPTER 112.

[S. B. 91.]

PRISONERS—HOSTAGE—INTERFERENCE WITH OFFICERS.

AN ACT relating to the crime of holding hostages by prisoners in state penal institutions and to the powers of officers of state penal institutions in the transportation of and the apprehension of escaped prisoners; amending section 3, chapter 241, Laws of 1955 and RCW 9.94.030, and section 5, chapter 241, Laws of 1955 and RCW 9.94.050; and providing penalties.

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

RCW 9.94.030 amended.

SECTION 1. Section 3, chapter 241, Laws of 1955 and RCW 9.94.030 are each amended to read as follows:

Holding officer hostage—Interference with officer's duties.

Whenever any inmate of a state penal institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his duties, by force or violence, or the threat thereof, he shall be guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

Vetoed.

SEC. 2. Section 5, chapter 241, Laws of 1955 and RCW 9.94.050 are each amended to read as follows:

All officers of state penal institutions, while acting in the supervision and transportation of prison-

ers, and in the apprehension of prisoners who have escaped, shall have the powers and duties of a peace officer. } Vetoed.

Passed the Senate February 5, 1957.

Passed the House February 21, 1957.

Approved by the Governor March 1, 1957, with the exception of Section 2, which is vetoed.

NOTE: EXCERPT OF GOVERNOR'S VETO MESSAGE READS AS FOLLOWS: Veto message, excerpt.

"The real purpose of this bill is to make it a crime for an inmate of a penal institution to hold any person a hostage. This objective is accomplished by section 1 of the bill.

"Section 2 of the bill strikes from the existing law the words 'and guards'. In the case of *State v. Davis*, 48 Wash. (2d) 513, 518, the Supreme Court of the State of Washington points out that the legislature, in enacting chapter 241, Laws of 1955, apparently attempted to make a distinction between officers and guards of a penal institution. The omission in section 2 of this bill of the words 'and guards' does not remedy the defect pointed out by the Supreme Court but, on the contrary, would render it likely that a court would place an interpretation upon this section which would deprive guards of the powers and duties of peace officers. The sponsors of this bill and the Legislative Council attempted to obtain the opposite result. For this reason section 2 is vetoed and the remainder of the bill is approved."

CHAPTER 113.

[S. B. 5.]

FIRST CLASS CITIES—ELECTED OFFICIALS— COMPENSATION, TIME.

AN ACT relating to cities of the first class.

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

SECTION 1. Section 1, chapter 354, Laws of 1955 and RCW 35.22.205 are each amended to read as follows: RCW 35.22.205 amended.

The compensation and the time to be devoted to the performance of the duties of the mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city irrespective of any city charter provisions. Compensation and hours, mayor, legislative body.

Passed the Senate January 30, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 19, 1957.