

I wish to make special note of the fact that I support revised statutory language on small scale gambling and sports pools, and probably would have approved language originally drafted by their proponents and concurred in by the Gambling Commission. However, the provisions related thereto have suffered the same consequences as many other worthwhile changes in past gambling bills, and amendments added during the legislative process have made those provisions far broader than first intended. I specifically regret that the well-intentioned and diligent efforts of organizations such as the Washington Congress of Parents, Teachers and Students are hereby negated because of changes made in the enactment of this bill.

With the exception of sections 1, 2, 3, 5, 6, and 14 which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 212 is approved."

CHAPTER 167

[House Bill No. 105]

STATE MOTOR VEHICLE TRANSPORTATION SERVICE

AN ACT Relating to state government; transferring the state motor pool to the department of general administration; amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; adding new sections to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; repealing section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010; repealing section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020; repealing section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030; repealing section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040; repealing section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050; repealing section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060; repealing section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; repealing section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080; providing penalties; and declaring an emergency.

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

Section 1. Section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010 are each amended to read as follows:

The department of general administration shall be organized into ~~((five))~~ divisions, ~~((to be known as:))~~ which shall include (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, ~~((and))~~ (5) the division of engineering and architecture, and the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

As used in sections 3 through 18 of this 1975 amendatory act, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or

any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The department of general administration shall establish a motor vehicle transportation service which is hereby empowered to (1) provide suitable motor vehicle transportation services to any state agency on either a temporary or permanent basis upon requisition from a state agency and upon such demonstration of need as the department may require; (2) provide motor pools for the use of state agencies located in the Olympia and Seattle areas and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department; (3) establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to cover replacement of vehicles and to recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles. Additions to capital such as the purchase of additional vehicles shall be budgeted and purchased from funds appropriated for such purposes under such procedures as may be provided by law.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control;

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. Any such agreement shall be subject to the approval of the automotive policy board established pursuant to section 6 of this 1975 amendatory act. The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature.

NEW SECTION. Sec. 5. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

The director of the office of program planning and fiscal management, after consultation with other interested or affected state agencies and approval of the automotive policy board established pursuant to section 6 of this 1975 amendatory act, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. Any use other than such defined use shall be considered as personal use.

NEW SECTION. Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

There is hereby established an automotive policy board consisting of the governor, the commissioner of public lands, the state attorney general, the secretary of the department of social and health services, the director of the department of motor vehicles, and a representative of four-year institutions of higher education to be designated by a majority vote of the presidents of such institutions. The governor, the commissioner of public lands and the attorney general are each authorized to designate a member of their agency's staffs to serve on the board as their alternates when they are unable to attend. The board shall be empowered to select its own chairman, vice-chairman, and any other necessary officers by majority vote and to make rules and regulations for the orderly conduct of business. The board shall approve all state-wide policies relating to passenger motor vehicle acquisition, utilization, and disposition and shall perform such additional functions as may be directed by law. The board shall also arbitrate and decide by majority vote the issue in any case of a dispute over the economic justification and benefits to be gained by the transfer to a state motor pool of passenger motor vehicles owned or operated by a state agency pursuant to section 10(3) of this 1975 amendatory act. Any necessary staff support and administrative services required by the board shall be furnished by the department of general administration.

NEW SECTION. Sec. 7. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall appoint a supervisor of motor transport, who shall have general charge and supervision of state motor pools and motor vehicle transportation services under departmental administration and control. The appointment of all personnel, except the supervisor, shall be made pursuant to chapter 41.06 RCW, the state civil service law, as now or hereafter amended.

With the approval of the director, the supervisor shall (1) appoint and employ such assistants and personnel as may be necessary, (2) acquire by purchase or otherwise a sufficient number of motor vehicles to fulfill state agency needs for motor vehicle transportation service, (3) provide for necessary storage, upkeep, and repair, and (4) provide for servicing motor pool vehicles with fuel, lubricants, and other operating requirements.

NEW SECTION. Sec. 8. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

All employees of any state agency who are employed exclusively or principally in performing the powers, duties, and functions transferred pursuant to sections 9 through 12 of this 1975 amendatory act to the department of general administration shall, upon such transfer to employment with the department of general administration, continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, as now or hereafter amended, and shall automatically retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

All passenger motor vehicles, property, facilities, equipment, credits, funds, and all other assets and obligations of the automobile pool and pertaining to passenger motor vehicles currently operated by the department of highways and funded by that portion of the highway equipment fund known as "District No. 8 (Motor Pool)" shall be transferred to the department of general administration on July 1, 1975. The director of general administration may accept such property prior thereto if he deems it expedient to accomplish an orderly transition.

NEW SECTION. Sec. 10. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of sections 2 through 16 of this 1975 amendatory act prior to July 1, 1975, if he deems it expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of program planning and fiscal management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The automotive policy board shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing if a finding is made based on testimony and data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by a majority vote of the automotive policy board established by section 6 of this 1975 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

No cash reimbursement shall be made to agencies for property transferred under section 10 of this 1975 amendatory act to the extent that such property was

originally acquired without cost or was purchased from general fund appropriations. The value of such property shall be entered upon the accounts of the motor transport account as an amount due the agency from which the vehicle was transferred. For such property purchased from dedicated, revolving, or trust funds, the value at the time of transfer shall also be entered upon the accounts of the motor transport account as an amount due the agency and fund from which the vehicle transferred was purchased and maintained. If surplus funds are available in the motor transport account, the agency may be paid all or part of the amount due to the dedicated, revolving, or trust fund concerned. Otherwise, the credit for the amount due shall be applied proportionately over the remaining undepreciated life of such property. The prorated credits shall be applied monthly by the director of general administration against any monthly or other charges for motor vehicle transportation services rendered the agency.

To the extent surplus funds are available in the motor transport account, the automotive policy board may direct a cash reimbursement to a dedicated, revolving, or trust fund where an amount due such a fund will not be charged off to services rendered by the department of general administration within a reasonable time.

Any disagreement between the supervisor of motor transport and an agency as to the amount of reimbursement to which it may be entitled shall be resolved by the director of general administration with the advice and consent of the automotive policy board.

NEW SECTION. Sec. 12. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

There is hereby established in the general fund of the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in section 13 of this 1975 amendatory act and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of sections 2 through 16 of this 1975 amendatory act as authorized by the director or his duly authorized representative and as may be provided by law.

NEW SECTION. Sec. 13. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration shall deposit in the motor transport account all receipts, including the initial transfer of automobile pool capital from the highway equipment fund and any other funds transferred, rentals or other fees and charges for transportation services furnished, proceeds from the sale of surplus or replaced property under the control of the supervisor of motor transport and other income, and from which shall be paid operating costs, including salaries and wages, administrative expense, overhead, the cost of replacement vehicles, additional passenger vehicles authorized pursuant to section 3 of this 1975 amendatory act, and any other expenses. If it is necessary at any time for the department to request any appropriation from the general fund or various dedicated, revolving, or trust funds to purchase additional vehicles, any appropriation therefor may provide that such advance shall be repaid together with reasonable interest from surpluses of the motor transport account.

NEW SECTION. Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of sections 2 through 16 of this 1975 amendatory act. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of program planning and fiscal management pursuant to section 5 of this 1975 amendatory act, after approval by the automotive policy board.

NEW SECTION. Sec. 15. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

Pursuant to policies and regulations promulgated by the office of program planning and fiscal management after consultation with and approval by the automotive policy board, an elected state officer or his delegate or a state agency director or his delegate may permit employee commuting in a state owned or leased vehicle only if such travel is on official business, as determined in accordance with section 5 of this 1975 amendatory act, and is determined to be economical and advantageous to the state.

NEW SECTION. Sec. 16. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

Sections 2 through 15 of this 1975 amendatory act shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of program planning and fiscal management after concurrence of the automotive policy board, and where such use is in the interest of economic, efficient, and effective management and performance of official state business.

NEW SECTION. Sec. 17. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

(1) The governor, acting through the department of general administration and any other appropriate agency or agencies as he may direct, is empowered to utilize all reasonable means for detecting the unauthorized use of state owned motor vehicles, including the execution of agreements with the state patrol for compliance enforcement. Whenever such illegal use is discovered which involves a state employee, the employing agency shall proceed as provided by law to establish the amount, extent, and dollar value of any such use, including an opportunity for notice and hearing for the employee involved. When such illegal use is so established, the agency shall assess its full cost of any mileage illegally used and shall recover such amounts by deductions from salary or allowances due to be paid to

the offending official or employee by other means. Recovery of costs by the state under this subsection shall not preclude disciplinary or other action by the appropriate appointing authority or employing agency under subsection (2) of this section.

(2) Any wilful and knowing violation of any provision of sections 2 through 15 of this 1975 amendatory act shall subject the state official or employee committing such violation to disciplinary action by the appropriate appointing or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay, or termination of employment in the case of repeated violations.

(3) Any casual or inadvertent violation of sections 2 through 15 of this 1975 amendatory act may subject the state official or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but need not be limited to, suspension without pay.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

- (1) Section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010;
- (2) Section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020;
- (3) Section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030;
- (4) Section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040;
- (5) Section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050;
- (6) Section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060;
- (7) Section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; and
- (8) Section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080.

NEW SECTION. Sec. 19. (1) There is hereby appropriated to the department of general administration for the biennium ending June 30, 1975, the sum of \$17,266 from the motor transport account in the general fund for purposes of preparing to provide the motor vehicle transportation services authorized by this act.

(2) On the effective date of this act, the department of highways or its statutory successor shall transfer \$17,266 from the portion of the highway equipment fund known as "District No. 8 (motor pool)" to the motor transportation account in the general fund.

NEW SECTION. Sec. 20. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1975 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1975 amendatory 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: PROVIDED, That no transfer of vehicles, equipment, supplies, or personnel shall be required prior to July 1, 1975, other than is necessary for the effective operation of this 1975 amendatory act on and after such date.

Passed the House May 27, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 168

[House Bill No. 171]

MOTOR VEHICLES—SIZE, WEIGHT, LOAD

AN ACT Relating to motor vehicle gross weights; and amending section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091; amending section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941; amending section 1, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.130.

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

Section 1. Section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any ~~((primary or secondary))~~ state highway or route of a state ~~((primary or secondary))~~ highway within the limits of any city or town where the gross weight, including load, exceeds the following limits: (a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches.

(b) Forty-three thousand pounds on ~~((any group of))~~ dual axles having a wheelbase between the first and ~~((last axle thereof less than ten feet. PROVIDED; That))~~ second axles of not less than three feet six inches but less than seven feet.

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group.

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of