

condemned until all of the requirements of said notice and order have been complied with, and permission given in writing so to do by an inspector. It shall be the duty of any common carrier to furnish the nearest horticultural office or horticultural inspector with the name of the consignor of the apples, the place indicated for loading and the date ordered for loading, as soon as possible and at or prior to the time of the issuance of the bill of lading on such car: *Provided, however,* That all apples shipped in bulk or as culls shall be accompanied by a written permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Apples.

Bulk or
culls.

Passed the House March 13, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 151.

[H. B. 217.]

TAX ON BANKS AND FINANCIAL CORPORATIONS.

AN ACT providing for a tax measured by income upon banks and financial corporations; providing for the assessment and collection thereof; providing for certain offsets or deductions; providing certain penalties and for the collection and enforcement thereof; declaring that certain acts shall constitute a misdemeanor; repealing Sections 28, 29, 30, 31 and 32 of Chapter 130 of the Laws of the Extraordinary Session of 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. That for the purpose of this act, unless otherwise required by the context:

The term "bank" shall include any national banking association organized under the laws of the United States and located or doing business

Terms
defined.

Bank.

within the State of Washington, and any bank, mutual savings bank or trust company organized under the laws of the State of Washington, or of the laws of any other state, district, territory or country, doing business in the State of Washington.

The term "financial corporation" shall include any corporation, other than a bank, engaged within the State of Washington in the business of acting in any representative or trust capacity; or in the business of a savings and loan or building and loan society or association; industrial loan company, or finance company; or in the business of buying, selling, discounting, or dealing in stocks, bonds, debentures, bills of exchange, warrants, notes and/or other evidences of debt; or in the loaning, collecting and reloading of money. Financial corporation.

The term "doing business" as herein used, means any transaction or transactions in the course of its business by a national banking association, by a bank or financial corporation created under the laws of this state, or by a foreign bank or financial corporation qualified to do or doing business in this state. Doing business.

The term "gross income," as herein used, includes gains, profits and income derived from business of whatever kind and in whatever form paid; gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees or otherwise received in carrying on such business; all interest received from federal, state, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks: *Provided*, That the premium income of insurance companies shall not be included in gross income. Gross income.

If the gross income is derived from business done in part within and part without the State of

Washington, gross income means that portion of the income derived from business done within this state, to be ascertained and allocated in such manner as will fairly determine the gross income derived from business done within the state. The commission shall have power to prescribe such rules and regulations as will, in its opinion, carry out the direction and detail of this provision.

Net income. The term "net income," as herein used, means the gross income less the deductions allowed.

Commission. The term "commission," as herein used, means the tax commission of the State of Washington.

Taxable year. The term "taxable year," as herein used, means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed herein. In case a return is made for a fractional part of a year, the term "taxable year" shall mean the period for which such return is made. The first taxable year, to be called the taxable year 1928, shall be the calendar year 1928, or any fiscal year ending prior to the first day of March, 1929.

Fiscal year. The term "fiscal year," as used herein, means an accounting period of twelve months ending on the last day of any calendar month other than the month of December.

Paid or unpaid and accrued. The terms "paid" and "paid or incurred" shall be construed according to the method of accounting upon the basis of which net income is computed hereunder.

Taxpayer. The term "taxpayer" means a bank or corporation subject to taxation under this act.

The term "corporation," as used herein, shall include every financial corporation other than a bank, and shall include both foreign and domestic corporations.

Tax on national banking associations.

SEC. 2. Every national banking association, located or doing business within this state, shall an-

nually pay to the state, in addition to all other taxes or charges, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

5% of net income.

SEC. 3. Every bank, other than a national banking association, doing business within this state, shall annually pay to the state, in addition to all other taxes or charges, for the privilege of exercising its corporate franchise within this state, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

Other banks.

5% of net income.

SEC. 4. Every financial corporation doing business within this state shall annually pay to the state, in addition to all other taxes or charges, for the privilege of exercising its corporate franchise within this state, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

Financial corporation.

5% on net income.

SEC. 5. If the entire business of a bank or corporation is done within this state the tax shall be based upon its entire net income; and if the entire business of such bank or corporation is not done within this state the tax shall be based upon that portion thereof which is derived from business done within this state, as herein provided.

Business within and without state.

SEC. 6. Every bank and corporation subject to a tax under the provisions of this act shall be entitled to an offset against such tax in the amount of all taxes paid by it upon its tangible personal property to the State of Washington, or any county,

Offset of other taxes paid.

city, district or municipality thereof, during the taxable year for which a tax is assessed hereunder, and every insurance company subject to tax hereunder shall be entitled to an offset against such tax in the amount of all taxes paid by it to the state upon premium receipts.

Computation
of net
income
deductions.

SEC. 7. In computing net income the following deductions shall be allowed:

(a) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on business, including a reasonable allowance for salaries and other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title, or in which it has no equity.

(b) All interest paid during the taxable year on indebtedness.

(c) Taxes paid during the taxable year, other than taxes paid under this act, and other than taxes on income or profits paid during the taxable year imposed by the authority of (1) the United States, (2) any foreign country, (3) any state, territory, city, school district, municipality or other taxing subdivision of any state or territory, and other than taxes assessed against or because of local benefits tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against or because of local benefits as is properly allocable to maintenance or interest charges: *Provided*, That no deduction shall be allowed for taxes paid upon personal property for which an offset against the tax may be claimed under the provisions of section 6 hereof.

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in business.

(e) Debts ascertained to be worthless and charged off within the taxable year. When satisfied that a debt is recoverable in part only, the commission may allow the unrecoverable portion of such debt to be charged off. The amounts recovered from any debt previously charged off shall be included in the return for the year in which the recovery is made and shall be restored to the fund on account from which it was originally transferred as a loss.

Worthless debts.

(f) A reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the business may be deducted from gross income. Such depreciation allowance, in order to constitute an allowable deduction from gross income, must be charged off.

Exhaustion, wear and tear, obsolescence.

(g) Amounts received under life insurance policies and contracts paid by reason of the death of the insured, and amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon.

Life insurance.

(h) Dividends received from income arising out of business done in this state by a bank or corporation from which a tax is payable under this act, but if the income out of which the dividends are declared is derived from a business done by a bank or corporation both within and without this state, then so much of the dividends shall be allowed as a deduction as the amount of the income from business done within this state bears to the total business done. The burden shall be on the taxpayer claiming the deduction to show that the amount of dividends claimed as a deduction has already been included within the net income used as a measure in the computation of a tax of another bank or corporation paid or accrued hereunder.

Dividends.

Business
inside and
outside
state.

(i) If the gross income be derived from business carried on within and without this state, the deductions allowed by this section shall be in a proportion to be determined by the commission under rules and regulations to be adopted by it fairly carrying out the purpose of this act to tax banks and corporations according to the amount of their net income arising from business done within this state.

No deduction
allowed for—

SEC. 8. In computing net income no deduction shall be allowed for:

new
buildings,

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

restoring
property,

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

premiums
on life
insurance.

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

Period for
computation.

SEC. 9. The net income shall be computed on the basis of the taxpayers' annual accounting period, fiscal year or calendar year, as the case may be, in accordance with the method of accounting regularly employed in keeping the books of the taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as shall, in the judgment of the commission, clearly reflect such income. If the taxpayers' annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period, or does not keep books, the net income shall be computed on the basis of the calendar year.

SEC. 10. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, acquired on or after January 1, 1928, the basis shall be the cost thereof, and in case of property acquired prior to January 1, 1928, and disposed of thereafter, the basis shall be the fair market value thereof as of said date.

Sale of property.

SEC. 11. When property is exchanged for other property and no gain or loss is realized, the property received shall be treated as taking the place of the property exchanged therefor.

Exchange of property.

SEC. 12. Every bank and every corporation shall not later than the 15th day of March in each calendar year transmit to and file with the commission a report, in such form as the commission shall prescribe, setting forth such facts and information relating to the gross or net income of the taxpayer, as the commission may by rule, or otherwise, require in order to carry out the provisions of this act. Said report shall contain a statement of the taxes paid by the taxpayer upon tangible personal property during the taxable year covered thereby and the commission may require the report to be accompanied by receipts evidencing payment of such personal property taxes.

Annual report.

Contents.

SEC. 13. Any bank or corporation liable to report and owning or controlling, either directly or indirectly, substantially all of the capital stock of one or more banks and/or corporations, may be required to make a consolidated report showing the combined net income, such assets of the corporation as are necessary in the opinion of the commission for the administration of this act, and such other information as the commission may require, but excluding intercorporate stockholdings and intercorporate accounts.

Ownership or control of other financial corporations.

Consolidated
report.

Any bank or corporation liable to report and owned or controlled, either directly or indirectly, by another bank or corporation may be required to make a report consolidated with the owning company showing the combined net income, such assets of the corporation as are necessary in the opinion of the commission for the administration of this act, and such other information as the commission may require, but excluding intercorporate stock-holdings and intercorporate accounts.

Improper
segregation.

If any arrangement exists which in the opinion of the commission improperly reflects the business done, the segregable assets, or the entire net income earned from business done in this state, the commission is authorized and empowered, in such manner as it may determine to equitably adjust the tax and to eliminate any assets included in the segregations thereof: *Provided*, That any income directly traceable thereto shall also be excluded from the entire net income.

Combined
report.

SEC. 14. The commission may permit or require the filing of a combined report, where substantially all of the capital stock of two or more banks or corporations liable to report under this act is owned or controlled by the same interests and it may impose the tax provided by this act as though the combined entire net income and segregated assets were those of one corporation, but in the computation dividends received from any corporation whose assets, as distinguished from shares of stock, are included in the segregations, shall not be included in net income, or it may, in such other manner as it shall determine, equitably adjust the tax.

Adjustment
by commis-
sion.

SEC. 15. If it shall appear to the commission that the segregation of assets shown by the report does not properly reflect the corporate activity or business done, or the income earned from corporate activity or from business done in this state because

of the character of the corporation's business and the character and location of its assets, it is authorized and empowered to equitably adjust the tax upon the basis of the corporate activity or the business done within and without this state rather than upon capital or assets employed.

SEC. 16. In case a report is made as provided by the preceding sections the commission may assess the tax against either of the corporations whose assets or net income are involved in the report and upon the basis of the combined entire net income and the combined aggregated assets of the corporation and upon such other information as it may possess, or it may adjust the tax in such other manner as it shall determine to be equitable.

Tax against either of combined, controlled or owned institutions.

SEC. 17. Any bank or corporation which has been permitted to change the period for which it shall make its report shall in its next report to the commission include its entire net income which has not been used or included in measuring a tax hereunder, whether such income arose over a period of more or less than one year, and such income shall be considered a part of the net income for the taxable year covered by the report in which it is set forth.

Change of period for report.

In case a bank or corporation has not done business in this state for a twelve months' period, then it shall report and be taxed upon the basis of that portion of the taxable year in which it did business in this state.

Less than 12 months period.

The commission may require a further or supplemental report under this act to contain further information and data necessary for the computation of the tax.

Supplemental report.

SEC. 18. Every report required by this act to be filed with the commission shall be verified under oath by the president, treasurer, cashier, or other executive officer of the bank or corporation. Such

Report verified under oath.

verification shall be to the effect that the officer verifying said report believes it to be true and correct. Blank forms of report shall be supplied by the commission on application to banks and corporations required to make such reports.

SEC. 19. The commission, whenever in its judgment good cause exists therefor, may grant to a bank or corporation required to make a report under this act a reasonable extension of time for filing such report. It shall keep a record of every extension granted and of the reasons therefor. Such extension or extensions, except for the year 1928, shall not aggregate more than thirty days.

Extension
of time for
report.

SEC. 20. Every bank or corporation which shall acquire directly, indirectly, by merger or by consolidation, the major portion of the actively employed assets or the franchises of another bank or corporation exercising any franchise or doing any business in this state, or which shall merge or consolidate another bank or corporation, shall in its annual report show its own and the consolidated entire net income of all such banks or corporations for the preceding fiscal or calendar year to the extent that all such income has not been used or included in measuring a tax under this act. It shall, in any event, be liable for and pay all taxes that would have been due and payable by the bank or corporation had the bank or corporation whose assets or franchises were acquired or which were merged or consolidated, continued in business and as though there had been no interruption or change of the business thereof nor discontinuance of the privilege of exercising a franchise or doing business.

Merger and
consolidation,
report.

SEC. 21. Any bank or corporation failing or refusing to make and furnish any report hereby required to be made or filed with the commission within the time herein provided by law, or within the extension thereof if any such extension shall

Failure to
report.

be granted, shall be subject to a penalty of \$50.00 per day for each and every day during which such bank or corporation shall be or continue delinquent in the making and furnishing of such report. All actions for the recovery of the penalty provided by this section shall be brought in the name of the State of Washington by the commission through the attorney general or the prosecuting attorney of the county wherein the taxpayer has its principal place of business. The commission is authorized to compromise, settle and adjust such penalty if in its judgment such failure and refusal was not willful and malicious. All penalties recovered under this section shall be paid into the general fund of the state.

Penalty.

Action to recover.

SEC. 22. Any bank or corporation and any president, cashier, treasurer or other executive officer thereof who shall knowingly make or return to the commission any false or fraudulent report shall be guilty of a misdemeanor.

False return, misdemeanor.

SEC. 23. If any report required by this act is not timely made, the commission is authorized to make an estimate of the net income of the bank or corporation failing to file a report as a basis for the computation of the tax, from such information as may be available to it, and shall give notice by registered mail to such bank or corporation of the amount or basis of computation as determined by it.

Estimate by commission when no report made.

SEC. 24. The commission shall, between the first day of May and the first day of July in each calendar year, from the reports filed with it or from other information in its possession, determine the net income of each bank and corporation as the basis of computing the tax provided for in this act. Such basis shall not be increased beyond the amount of net income shown by the taxpayer's return unless the commission shall give ten days' notice in writing by registered mail to the taxpayer of the amount

Commission to determine net income.

Increase, notice to be given.

to which it is proposed to increase such basis of computation, and of the time and place when and where such taxpayer will be heard by the commission in opposition to such proposed increase.

SEC. 25. The commission shall on or before the first day of September next thereafter prepare and transmit to the assessor of each county within the state an assessment roll for such county and shall place upon such assessment roll the name of each bank and corporation liable to a tax for the taxable year for which such assessment roll is prepared, and having its principal office or place of business within the county for which such assessment roll is prepared.

Assessment
roll for
county
assessor.

The commission shall also enter upon such assessment roll opposite to or in connection with the name of each bank or corporation the name or designation of the city, town, township, school district and other taxing districts within said county in which said taxpayer has its principal office or place of business together with the net income or basis for the computation of the tax as determined by the commission and the amount of the tax due and payable as computed by it.

Tax com-
puted.

The assessor of such county shall enter upon the tax rolls of the county the name of each bank and corporation and the amount of such tax due from it as shown by such assessment roll.

SEC. 26. All taxes imposed under the provisions of this act shall be payable to the county treasurer of the county in which the bank or corporation liable to the tax has its office or principal place of business. Such tax shall be due and payable and shall become delinquent on the same dates that taxes on personal property become due and delinquent and if not paid shall bear the same rate of interest and be subject to the same penalties as are by law provided in case of delinquency of taxes assessed on

Payments.

Delinquency
penalties.

personal property. Each bank or corporation shall be liable for the tax so assessed against it and such tax, if not paid when due, together with interest and penalties and a reasonable attorney's fee, may be recovered in a civil action brought by the treasurer of the county.

SEC. 27. All taxes collected or paid under the provisions of this act shall be for the use of the state and of the county, city, town, school district, municipality or other taxing district in which the bank or corporation has its principal office or place of business and shall be by said county treasurer distributed in the manner and in the same proportions as provided by law for the distribution of taxes upon personal property.

Distribution
of tax.

SEC. 28. Whenever a bank or corporation maintains branches or offices for the transaction of business, or owns and controls one or more banks and/or corporations, located in two or more counties, cities, towns, school districts or other taxing districts within this state, the taxes levied under this act shall be allocated by the commission to the respective counties, cities, towns, school districts and other taxing districts in proportion to the net income attributable to business transacted in each such branch or office, or subsidiary bank or corporation. The taxpayer shall include in its report such information as will enable the commission to make the segregation herein provided. In such cases the taxpayer shall be included upon the assessment roll of each of the several counties in which it maintains branches or offices or subsidiary banks or corporations, for the proportionate amount of tax computed by the commission to be due each county and city, town, school district and other taxing district therein within which a branch or office, or subsidiary bank or corporation is maintained for the transaction of business and the tax shall be payable in accordance with such computation.

Branches,
in two
taxing
districts,
tax allocated
by commis-
sion.

Clerical
mistake in
computation.

SEC. 29. If in the opinion of the commission a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of said commission, the commission shall have power to cancel the same upon its records and cause the same to be cancelled on the tax rolls of the county to which the same has been certified.

Paid
illegally or
erroneously,
credit given.

SEC. 30. If any tax or penalty has been paid more than once or has been erroneously or illegally collected or has been erroneously or illegally computed, the commission may order the same to be credited to the taxpayer at the time of the next payment of taxes. No claim for such credit shall be allowed unless presented within one year after the payment against which a refund or credit is claimed.

Fraud or
evasion by
taxpayer.

SEC. 31. In the event that fraud or evasion on the part of a taxpayer is discovered by the commission it shall have the power and it shall be its duty to determine the extent to which the state, county, city, town and district have been defrauded and to compute and charge against the taxpayer a tax in a sum double that amount, which it shall immediately certify to the county where the taxpayer has its office or principal place of business and which shall be immediately due and payable.

Failure to
collect
added to
subsequent
year's tax.

SEC. 32. If any tax imposed upon any bank or corporation under the provisions of this act in any taxable year or years be prevented from being collected for any such year or years by reason of any erroneous proceeding or other cause, the amount of tax which such bank or corporation should have paid shall be added to the tax for the next succeeding year, but no such tax shall be added in any subsequent year unless it shall be added within five years next after such tax became delinquent.

Rules and
regulations.

SEC. 33. The commission is authorized and empowered to adopt, prescribe, and from time to time

alter and amend, and to enforce reasonable rules, orders and regulations for the purpose of carrying out the provisions of this act. The commission shall have authority to inquire into the management of the business of all taxpayers falling within the provisions of this act and may require by order or subpoena, to be served with the same force and effect and in the same manner that a subpoena is served in a civil action in the superior courts, the production at any time and place it may designate of any books, papers, accounts or other information necessary to carrying out the provisions of this act. The commission shall have the power to order additional reports or such other information as it may deem necessary in addition to the regular reports provided herein. All reports and returns, as hereinafter provided, shall be upon standard forms, adopted by the commission, with no more detailed information relating to the taxpayers' business than is necessary to enable the tax commission to administer fully the provisions of this act.

Inquiry by
commission.

Additional
reports.

SEC. 34. Any bank or corporation feeling aggrieved by any order of the commission shall have a right of appeal to the superior court of the county in which such bank or corporation has its principal office or place of business, or at the election of the appellant to the superior court of Thurston County, Washington. Such appeal shall be informal and summary. Notice thereof shall be filed with the clerk of the superior court to which such appeal is taken, and a copy thereof shall be served by registered mail or personally upon some member of the commission or the secretary thereof within twenty days after the decision appealed from and the appellant shall file an appeal bond in the sum of \$200.00 with one or more sureties, conditioned that the appellant will pay all taxable costs in the event of the affirmance of the decision appealed

Appeals
from order
of tax
commission.

Notice.

Appeal
bond.

from. Said bond shall be filed with the clerk of the superior court within five days after the filing of the notice of appeal and shall be approved by him.

Illegal tax
paid under
protest,
suit to
recover.

SEC. 35. Any bank or corporation claiming that a tax levied or computed against it under this act is illegal or void, in whole or in part, may pay the amount of the tax levied or computed against it under protest and bring action against the treasurer of the county to whom such tax was paid to recover such tax or the portion thereof claimed to be illegal or void, with interest. Such protest shall be in writing and shall state the grounds upon which the illegality or invalidity of the tax is asserted, and shall be filed with the county treasurer at the time the tax is paid. No action for the recovery of such tax or portion of a tax shall be commenced until sixty days after the taxpayer shall have filed with the county commissioners of such county an application for the refund of such tax or part thereof, nor shall such action be maintained unless commenced within ninety days after such county commissioners shall have denied such application. No application for a refund shall be filed more than sixty days after payment of the tax. A copy of all applications for refunds of taxes shall be filed with the tax commission.

Judgment
unpaid,
license to
do business
suspended.

SEC. 36. If final judgment shall be rendered against any corporation in an action brought to recover taxes imposed under this act, and such judgment remain unsatisfied for a period of ninety days, the commission or the treasurer of the county in which such action was prosecuted shall forthwith lodge a transcript of such judgment with the secretary of state and the secretary of state shall not thereafter issue a license to such corporation to do business nor shall such corporation exercise any of its corporate powers or franchises within the State of Washington while such judgment remains unsatisfied.

SEC. 37. It shall be unlawful for any member of the commission, or clerk, agent, deputy or employee thereof, to divulge or make known in any manner whatsoever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any report filed with the commission by any bank or corporation, or to permit any return, or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person, except as provided by law, or to print or publish, in any manner whatever not provided by law, any return, or any part thereof, or source of income, profits, losses or expenditures appearing in any return, and any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Disclosure of information, reports, etc.

Penalty.

SEC. 38. If any section or provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Invalidity of part not to affect balance.

SEC. 39. Sections 28, 29, 30, 31 and 32, chapter 130 of the Laws of the Extraordinary Session of 1925 are hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act or any of the sections thereof, or the validity of any act done or proceeding had under and by virtue of said act or sections, or as affecting any assessments or levies made prior to January 1, 1929, under and by virtue of said act or sections, or as affecting any proceeding instituted under said act or sections but all proceedings, for the assessment, levy or collection of any tax remaining incomplete at the time of the taking effect of this act may be completed pursuant to the provision of acts

Repeals § 28, 29, 30, 31 and 32, Chap. 130, Ex. Laws 1925.

Proceeding and tax under repealed sections not affected.

so repealed and all things required by said act or sections to be done within any specified time, which time has begun to run at the time of the taking effect of this act, shall be done within such specified time. *Provided further*, That the repeal hereby of any act or part of an act or any section shall not operate to revive such former act or part of an act or section thereof so amended or repealed.

Repeal not
to revive
former acts.

SEC. 40. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Effective im-
mediately.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 152.

[H. B. 422.]

RE-APPROPRIATION FOR HIGHWAYS IN ISLAND AND OTHER COUNTIES.

AN ACT re-appropriating a certain sum from the permanent highway fund for the construction and maintenance of highways in counties composed entirely of islands and for the construction and maintenance of permanent highways in all other counties, and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts, and for the construction and maintenance of highways in counties composed entirely of islands and for the completion of work already under contract, for new contracts and for the construction and maintenance of permanent highways in all other counties there is hereby re-appropriated from the permanent highway fund the sum of one million two hundred and sixty-five thousand, nine hundred and fifty-four dollars and

Construction
and main-
tenance.

Permanent
highway
fund.