

Subdivision (16) RCW 10.37.075 reads as follows:

"In prosecutions under the provisions of the penal code, sections fifty-two, sixty and ninety-one, where the owner of the property is unknown, such property shall, for the purpose of this code, be deemed and held to be owned by the state of Washington; and in all cases where the indictment or information alleges the state to be the owner of such property, and the proof on the trial discloses the name of the actual owner, it shall not be deemed a variance, or failure of proof, unless the defendant is the actual owner."

The three sections referred to relate to crimes involving theft of animals or stock and were part of Hill's Penal Code. As all three sections were repealed by chapters 43 and 25, Laws of 1927, the section appears to be a nullity and it is recommended that it be repealed.

Explanatory
note.

CHAPTER 11.

[H. B. 17.]

HOSPITAL DISTRICTS.

AN ACT relating to hospital districts; amending section 1, chapter 82, Laws of 1955 and RCW 70.44.040.

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

SECTION 1. Section 1, chapter 82, Laws of 1955 and RCW 70.44.040 are each amended to read as follows:

The provisions of Title 54 relating to elections and procedure of the commission, except vacancies occurring therein, and boundaries and consolidation of public utility districts shall govern public hospital districts, except that the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in the precincts comprising the districts at the next preceding general and county election, and except that hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the second Monday in January in each year following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and

RCW 70.44.040
amended.

Hospital
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Elections—
Vacancies—
Procedure—
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six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. Each term shall date from the time above specified following the election, but shall also include the period intervening between the election and the beginning of the regular terms specified in this section: *Provided*, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of said proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: *Provided further*, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the second Monday in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within

Proviso.

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the district, as constituted by said election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: *Provided further*, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section. Proviso.

Passed the House January 28, 1957.

Passed the Senate February 11, 1957.

Approved by the Governor February 19, 1957.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

RCW 70.44.040 had its origin in 1945 c 264 § 5 and was successively amended by 1945 c 264 § 5, 1947 c 229 § 1, 1953 c 267 § 2 and 1955 c 82 § 1. The only change indicated in the 1955 bill (Senate Bill 107) occurred in the first sentence and reads as follows: "The provisions of Title 54 relating to elections [, vacancies,] and procedure of the commission, except vacancies occurring therein, . . .". The 1955 bill purports to amend the 1947 amendment of the original act (1945 c 264) without mention of the intervening 1953 amendment either in the title of the act or in the introductory paragraph of the section; furthermore, the original and printed bill (1955 SB 107) simply omitted the three provisos which had been added by the 1953 amendment, without indicating them as deleted matter. This would seem to indicate that the use of the 1947 amendment (rather than the 1953 amendment) as the basis for amending the section in 1955 was inadvertent. The instant bill amends the 1955 amendment to reinstate the provisos which were added to the section in 1953. Explanatory note.

CHAPTER 12.

[H. B. 18.]

WHARFINGERS AND WAREHOUSEMEN.

AN ACT relating to wharfingers and warehousemen; enacting
RCW 22.24.010.

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

SECTION 1. RCW 22.24.010 is enacted to read as follows: RCW 22.24.010 enacted.

As used in this chapter:

"Dock" or "wharf" includes any and all struc- Definitions.
"Dock,"
"wharf."