

SESSION LAWS
OF THE
STATE OF WASHINGTON

TWENTY-SIXTH SESSION

Convened January 9, Adjourned March 9

1939

COMPILED IN CHAPTERS

Under the Direction of BELLE REEVES, Secretary of
State, and Including Two Acts Passed by the People
at the General Election Held on November 8,
1938, Under the Initiative Provision
of the State Constitution.

MARGINAL NOTES AND INDEX

By
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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-sixth Legislature of the State of Washington convened at 12 o'clock noon, January 9, 1939 (being the second Monday in January), and adjourned *sine die* March 9, 1939.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock, midnight, June 7, 1939, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

BELLE REEVES,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Sixth Regular Session

1939

CHAPTER 1.

[INITIATIVE MEASURE NO. 126.]

(BALLOT TITLE)

NON-PARTISAN BALLOTS.

(AN ACT providing for a non-partisan ballot and relating to the manner of the nomination and election thereby of the Superintendent of Public Instruction of the state and the County Superintendent of Schools of the various counties thereof.)

AN ACT relating to the election of certain officers of the state and county public school systems and providing a non-partisan ballot therefor.

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

SECTION 1. The best interests of the school children of this state will be served by removing the administration of the schools from partisan politics. Purpose.

SEC. 2. No candidate for election to the office of either State Superintendent of Public Instruction or County Superintendent of Schools shall, in his declaration of candidacy for either of said offices, certify his party affiliation. When candidates for election to either office are to be nominated, there shall be provided a section on the ballot headed "NON-PARTISAN BALLOT." Therein shall appear the names of the candidates for nomination under the proper office designation, a opposite each name under the instruction "VOTE Candidates. Ballot.

FOR ONE." The names of the candidates who shall receive, respectively, the highest and next to the highest number of votes for each of said offices in the primary election shall appear on the general election ballot, which ballot shall also have a separate section with the same heading and provision for candidates names as provided for in the primary election ballot herein: *Provided, however,* That where any candidate for either of said offices shall receive a majority of all votes cast at such primary election for such office, the name of such candidate only shall so appear on the general election ballot, and one open space shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot: *And provided further,* That where voting machines are legally used in any election, the ballot arrangement for the aforesaid offices shall be substantially in the form as set forth herein, but may be so varied as to carry out the purposes required by the use of voting machines.

General
election.

Voting
machines.

Filed in the office of the Secretary of State
February 24, 1938.

Passed by vote of the people at the general elec-
tion November 8, 1938.

Proclamation signed by the Governor December
8, 1938.

CHAPTER 2.

[INITIATIVE MEASURE NO. 129.]

(BALLOT TITLE)

FORTY MILL TAX LEVY LIMITATION.

(AN ACT limiting to 40 mills the aggregate annual levy on real and personal property for all purposes; limiting the levy by the state to 2 mills, provided that the legislature may omit this levy, in which case it may increase the permitted levy by cities or towns; limiting the levy by counties, cities and towns, school districts and road districts to certain designated maximums; exempting port districts and power districts from its operation and providing that additional levies may be made by election.)

AN ACT relating to the taxation of real and personal property and limiting the aggregate annual rate of levy thereon for all purposes to forty mills.

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

SECTION 1. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the support of the University of Washington, Washington State College and the Normal Schools of the state; the levy by any county shall not exceed ten mills including any levy for the county school fund required by law, the levy by or for any school district shall not exceed ten mills, the levy for any road district shall not exceed three mills, and the levy by any city or town shall not exceed fifteen mills; but the legislature may reduce or abolish the millage hereinabove provided for the state, and in that event may increase the millage hereinabove provided for

Forty mill
tax levy.

cities and towns to the extent of the reduction of the state millage, the maximum increase in the millage for cities and towns not to exceed two mills: *Provided*, That nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district: *Provided, further*, That the limitations imposed by this section shall not prevent the levy of additional taxes, not in excess of five mills per annum and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, nor the levy of additional taxes to pay interest on or toward the reduction, at the rate provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 8, 1932; but the millage limitation of this proviso with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts: *Provided, further*, That any county, school district, city or town shall have the power to levy taxes at a rate in excess of the rate specified in this act, when authorized so to do by the electors of such county, school district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than once in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council or other governing body of any city or town, by giving notice thereof for two successive weeks by publication and posting in the manner provided by law for giving notices of gen-

Additional taxes.

Electors may authorize excess levy.

Special election.

eral elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "YES," and those opposed thereto to vote "NO": *Provided*, That the total number of persons voting at such special election shall constitute forty per cent of the voters in said taxing district who voted for the office of governor at the next preceding gubernatorial election. Form.

Filed in the office of the Secretary of State March 18, 1938.

Passed by vote of the people at the general election November 8, 1938.

Proclamation signed by the Governor December 8, 1938.

CHAPTER 3.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary for the expenses of the Twenty-sixth Legislature and for expenses incurred in completing the work of the Twenty-fifth Legislature, and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary to be used for the purposes of paying the expenses of the Twenty-sixth Legislature of the State of Washington, convening January 9, 1939, together with the expenses incurred by the Legislature in completing the work of the Twenty-fifth Legislature and the expenses incurred in advance of the Twenty-sixth Legislature. Appropriation.

Effective
immediately.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate January 9, 1939.

Passed the House January 9, 1939.

Approved by the Governor January 10, 1939.

CHAPTER 4.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary for the printing of the Twenty-sixth Legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the Twenty-sixth Session of the Legislature, convened January 9, 1939, or either branch thereof.

Effective
immediately.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate January 9, 1939.

Passed the House January 9, 1939.

Approved by the Governor January 10, 1939.

CHAPTER 5.

[S. B. 12.]

LAKE WASHINGTON AND NARROWS BRIDGES.

AN ACT relating to public highways; providing for additional highways in the primary state highway system; providing for the maintenance, operation and the inclusion in the primary state highway system of certain highway facilities being constructed by the Washington Toll Bridge Authority; defining the powers and duties of certain state officers; amending section 2 of chapter 190, Session Laws of 1937; section 14 of chapter 190, Session Laws of 1937; and section 15 of chapter 207, Session Laws of 1937; and declaring an emergency.

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

SECTION 1. That section 2 of chapter 190, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends § 2,
ch. 190, Laws
of 1937.

Section 2. A primary state highway to be known as Primary State Highway No. 2, or the Sunset Highway, is hereby established according to description as follows: Beginning at the intersection of the west approach to the Lake Washington bridge at Rainier avenue in Seattle in King county, thence in an easterly direction by the most feasible route by way of the Lake Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washington, thence in an easterly direction by the most feasible route by way of North Bend, Snoqualmie Pass, Cle Elum, Blewett Pass, Wenatchee, Waterville, Wilbur, Davenport and Spokane to the Washington-Idaho boundary line; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with Primary State Highway No. 2, as herein described, in the vicinity of Issaquah; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route to the north of Lake Wash-

Primary
State High-
way No. 2,
or Sunset
Highway.

Lake
Washington
Bridge.

ington to a junction with Primary State Highway No. 2, as herein described, in the vicinity west of Snoqualmie Pass; also beginning at Almira, on Primary State Highway No. 2, as herein described, thence in a northerly direction by the most feasible route to the Grand Coulee dam.

Amends § 14,
ch. 190, Laws
of 1937.

SEC. 2. That section 14 of chapter 190, Session Laws of 1937, be and the same is hereby amended to read as follows:

Primary
State High-
way No. 14,
or Navy Yard
Highway.

Section 14. A primary state highway to be known as Primary State Highway No. 14, or the Navy Yard Highway, is hereby established according to description as follows: Beginning at a junction with Primary State Highway No. 9, in the vicinity north of Shelton, thence in a northeasterly direction by the most feasible route by way of Port Orchard, thence in a southerly direction by the most feasible route to the Tacoma Narrows bridge, thence crossing the Tacoma Narrows bridge to the easterly end thereof in the city of Tacoma; also beginning in the vicinity of Port Orchard on Primary State Highway No. 14, as herein described, thence in an easterly direction by the most feasible route to the ferry landing at Harper.

Tacoma
Narrows
Bridge.

Amends § 15,
ch. 207, Laws
of 1937.

SEC. 3. That section 15 of chapter 207, Session Laws of 1937, be and the same is hereby amended to read as follows:

Branches of
Primary
State High-
way No. 14.

Section 15. Secondary state highways as branches of Primary State Highway No. 14 are hereby established according to designation and description as follows:

Secondary
State High-
way No. 14A.

(a) Secondary State Highway No. 14A; beginning at a junction with Primary State Highway No. 14 in the vicinity southwest of Belfair, thence in a southwesterly direction by the most feasible route to Shelton on Primary State Highway No. 9;

Secondary
State High-
way No. 14B.

(b) Secondary State Highway No. 14B; beginning at a junction with Primary State Highway

No. 14 in the vicinity east of Purdy, thence in a westerly direction by the most feasible route to a junction with Secondary State Highway No. 14A in the vicinity north of Allyn;

SEC. 4. That the Lake Washington bridge and the Tacoma Narrows bridge in this act made a part of the primary state highways of the State of Washington, shall, upon completion, be operated, maintained, kept up and repaired by the Director of Highways and the Washington toll bridge authority in the manner provided in chapter 173, Session Laws of 1937, and the cost of such operation, maintenance, upkeep and repair shall be paid from funds appropriated for the use of the Director of Highways for the construction and maintenance of the primary state highways of the State of Washington. The Director of Highways is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge.

Lake Washington and Narrows bridges made part of primary state highways.

Operation and maintenance.

SEC. 5. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate January 13, 1939.

Passed the House January 23, 1939.

Approved by the Governor January 27, 1939.

CHAPTER 6.

[H. B. 11.]

REGULATION OF SALE OF DRUGS.

AN ACT to prohibit the sale, gift, barter, exchange or distribution of amytal, luminal, veronal, barbital, acid diethylbarbituric and para-amino-benzene sulfonamide and their derivatives, and providing a penalty for the violation thereof and declaring an emergency.

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

Narcotics.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any of the salts, derivatives, or compounds of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives or compounds, or any registered, trademarked or copyrighted preparation or compound registered in the United States patent office; or to sell, give away, barter, exchange or distribute para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, prontylin, prontosil, neo prontosil, neo prontylin, edimalin, sulfonamid or any salts, derivatives or compounds thereof or any registered, trademarked or copyrighted preparation or compound registered in the United States patent office containing said substances, except upon the written order

Prescription.

or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the State of Washington, and shall not be refilled without the written order of the prescriber: *Provided, however,* That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to pharmacies or to physicians, dentists or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies

by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons duly licensed to practice in this state.

SEC. 2. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment. Penalty.

SEC. 3. This 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. Effective.

Passed the House January 25, 1939.

Passed the Senate February 1, 1939.

Approved by the Governor February 3, 1939.

CHAPTER 7.

[H. B. 20.]

REPAIR OF OLD CAPITOL BUILDING.

AN ACT authorizing the state capitol committee to make major repairs to old capitol building, making appropriation, and declaring this act shall take effect immediately.

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

SECTION 1. The state capitol committee is hereby authorized and empowered to make certain major repairs to the old capitol building including heating system, plumbing, electrical equipment and facilities, elevator, and emergency work in progress. Repair of
Old Capitol
Building.

SEC. 2. For the purpose of carrying out and completing such improvements the sum of ninety-five thousand dollars (\$95,000), or so much thereof as may be necessary, is hereby appropriated from the general fund in the state treasury to be used in co- Appropriation.

operation with Federal P. W. A. grant heretofore approved for said improvement.

Effective
immediately.

SEC. 3. This act is necessary for the immediate support of existing public institutions and shall take effect immediately.

Passed the House January 16, 1939.

Passed the Senate February 1, 1939.

Approved by the Governor February 3, 1939.

CHAPTER 8.

[S. B. 17.]

SHORE LANDS CONVEYED TO KING COUNTY.

AN ACT authorizing the conveyance of certain platted first class shore lands to King County for recreational purposes.

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

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized and directed to certify in the manner now provided by law in other cases to the Governor for deed to King county in the State of Washington all of the following described shore lands, to-wit: Block I, Lake Washington Shore Lands as shown on the official plat thereof filed in the office of the Commissioner of Public Lands at Olympia, Washington, September 19, 1921.

Deed.

SEC. 2. The Governor is hereby authorized and directed to execute and the Secretary of State to attest a deed conveying to King county all of said shore lands.

SEC. 3. All of the shore lands described in section 1 of this act are hereby granted to King county, to be used for recreational purposes and in case the said King county shall attempt to use or permit the

use of said shore lands, or any portion thereof, for any other purposes, the same shall forthwith revert to the State of Washington without suit, action or other proceedings whatsoever or the judgment of any court forfeiting the same.

Passed the Senate January 30, 1939.

Passed the House January 27, 1939.

Approved by the Governor February 3, 1939.

CHAPTER 9.

[H. B. 87.]

COMPENSATING TAX.

AN ACT relating to revenue and taxation, providing for the levy and collection of a tax or excise upon the use of tangible personal property, establishing rules of evidence, procedure, and off-sets, amending section 31, chapter 180 of the Session Laws of 1935, amending sections 31 and 35 of chapter 180 of the Session Laws of 1935 as amended by chapter 191, Session Laws of 1937, adding three new sections to chapter 180, Session Laws of 1935, and declaring an emergency.

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

SECTION 1. No implication is to be drawn from this act as to the construction to be placed on the several acts amended thereby.

SEC. 2. That section 31, chapter 180, Laws of 1935, and section 31, chapter 180, Laws of 1937 [1935], as amended by section 1, chapter 191, Laws of 1937, being section 8370-31, Remington's Revised Statutes, be and the same hereby is amended to read as follows:

Section 31. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state any article of tangible personal property purchased at retail subsequent to April 30, 1935. Such

Amends
§ 8370-31
Rem. Rev.
Stat.

Purchases
subsequent
to April 30,
1935.

tax or excise shall apply to the use of every article of tangible personal property except as hereinafter provided, irrespective of whether the article or similar articles are manufactured within the State of Washington or are available for purchase within the State of Washington, and irrespective of any other condition. Such tax shall be levied and collected in an amount equal to the purchase price paid by the taxpayer multiplied by the rate of 2%.

Rate.

Use tax.

From and after the seventeenth day of March, 1937, there is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state any article of tangible personal property produced or manufactured for commercial use. Such tax or excise shall apply to the use of every article of tangible personal property except as hereinafter provided, irrespective of whether the article or similar articles are manufactured within the State of Washington or are available for purchase within the State of Washington, and irrespective of any other condition. This tax will not apply with respect to the use of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property of this state. Such tax shall be levied and collected in an amount equal to the value when so acquired of the article used by the taxpayer multiplied by the rate of two per cent. This section shall operate retroactively provided that, if such retroactive effect should be adjudged invalid, such adjudication shall not affect the act as a whole or any other section or portion thereof.

Rate.

Retroactive.

Amends
§ 8370-35,
Rem. Rev.
Stat.

SEC. 3. That section 35, chapter 180, Laws of 1935, as amended by section 4, chapter 191, Laws of 1937, being section 8370-35, Remington's Revised Stat-

utes, be and the same hereby is amended to read as follows:

Section 35. For the purposes of this title:

Definitions.

(a) The term "value of the article used" shall mean the consideration paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this title. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the cost of transportation by a common carrier. In case the article used is produced or manufactured by the person using the same or is sold under conditions wherein the purchase price, including the cost of transportation, does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe;

(b) The terms "use," "used," "using," or "put to use" mean the first use of the article after delivery thereof is completed within the state, and shall include installation, and also storing and withdrawal from storage in this state for subsequent actual use or consumption within the state: *Provided*, That as to any article of tangible personal property purchased at retail, the first use of which in this state took place between April 30, 1935, and the effective date of this act, and as to any such article produced or manufactured for commercial use, the first use of which in this state took place between March 17, 1937, and the effective date of this act, the terms herein defined shall be construed to include the first use, installation, storing or withdrawal from storage thereof in this state after the taking effect of this act.

(c) The meaning ascribed to words and phrases in titles I, II and III and all the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this title.

Adds to ch. 180, Laws 1935, § 35-A.

SEC. 4. That chapter 180, Laws of 1935, being sections 8370-1, *et seq.*, Remington's Revised Statutes, be and the same hereby is amended by adding thereto a new section to be known as section 35-A, to read as follows:

Use presumed to continue.

Section 35-A. The use in this state of any article acquired as provided in section 31 hereof, and thereafter actually used in this state is presumed to continue until after the use of such article shall have become taxable under the provisions of title IV of this act, and in any investigation, hearing, proceeding or trial either before the tax commission or in any court involving the question of the taxability of the use of such article under said title IV the burden shall be upon the person first using such article in this state to show that such use in this state had ceased prior to the use thereof having become taxable under the provisions of said title IV.

Burden of proof.

Adds to ch. 180, Laws 1935, § 35-B.

SEC. 5. That chapter 180, Laws of 1935, being sections 8370-1, *et seq.*, Remington's Revised Statutes, be and the same hereby is amended by adding thereto a new section to be known as section 35-B, to read as follows:

Return filed.

Section 35-B. On or before March 1, 1939, and thereafter as the times provided by existing law, all persons subject to the tax imposed by title IV shall file with the tax commission a return showing in detail the matters set forth in section 34 hereof, and in making the remittance of tax shown thereon to be due, may off-set against the amount thereof, amounts theretofore paid in compensating taxes of a kind or nature theretofore determined by the supreme court not to be collectible from said tax-

Off-set.

payer. And in any proceeding either now pending or hereafter instituted either in court or before the tax commission for the refund of any amounts claimed as refunds of compensating taxes claimed to have been theretofore unlawfully collected, the tax commission or State of Washington shall be legally entitled to off-set against said claim any unpaid compensating tax for which said claimant is liable at the time of the hearing or trial of said proceeding.

SEC. 6. That chapter 180, Laws of 1935, being sections 8370-1, *et seq.*, Remington's Revised Statutes, be and the same hereby is amended by adding thereto a new section to be known as section 35-C, to read as follows:

Adds to ch.
180, Laws
1935, § 35-c.

Section 35-C. The tax imposed by title IV is intended as an excise and not a tax on property. If therefore it be adjudged that by reason of the inclusion in section 35 hereof of that provision defining the terms "use," "used," "using" or "put to use" as including storage and withdrawal from storage the tax imposed by said title IV is a property tax and not an excise, but except for said definition would be an excise and not a property tax, then all of said portion of said definition so contained in said section 35 shall be stricken and eliminated from said section and the remaining valid portions of said title IV shall be allowed to stand with the same force and effect as though said provision had never been embodied in said section 35.

Construction.

SEC. 7. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 2, 1939.

Passed the Senate February 6, 1939.

Approved by the Governor February 8, 1939.

CHAPTER 10.

[S. B. 42.]

TAXATION OF INSURANCE COMPANIES.

AN ACT relating to insurance; requiring insurers to file annual statements; prescribing certain taxes and manner of computing the same; and amending section 26 of chapter 49 of the Laws of 1911, as amended by chapter 177, Laws of 1915, chapter 226, Laws of 1929, and chapter 43, Laws of 1937, (section 7071 of Remington's Revised Statutes); and declaring that this act shall take effect immediately.

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

Amends
§ 7071 Rem.
Rev. Stat.

SECTION 1. That section 26 of chapter 49 of the Laws of 1911, as amended by chapter 177, Laws of 1915, chapter 226, Laws of 1929, and chapter 43, Laws of 1937, (section 7071 of Remington's Revised Statutes) be amended to read as follows:

Annual
statement.

Section 26. All insurance companies, now doing business in this state, or that may hereafter do business in this state, unless otherwise provided in this act, must make and file with the commissioner annually, on or before the fifteenth day of February in each year, a statement under oath, upon a form to be prescribed and furnished by the commissioner, stating the amount of all premiums collected, or contracted for by the company making such statement, in this state, during the year ending December thirty-first, next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance reinsured in other companies authorized to do business in this state, naming them, and the amount of premiums paid therefor; and the amount of insurance reinsured in companies, naming them, not authorized to do business in this state, and the amount of premiums paid therefor; and the amount of reinsurance accepted from admitted companies

and the premiums received for such re-insurance on risks located in this state, with the names of the companies so reinsured.

The commissioner shall file a copy of such verified statement or schedule with the State Treasurer, and said company shall pay to the State Treasurer, through the Insurance Commissioner's office, a tax of two and one quarter per centum on all premiums collected, or contracted for: *Provided*, That in the case of companies engaged in fire insurance, or any other line of insurance, except life insurance, and marine insurance as hereinafter provided, the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts received as premiums for re-insurance; and in the case of life insurance the tax shall be collected on the gross amount of premiums, after deducting therefrom the amounts received as premiums for re-insurance: *And provided further*, That if any such company, corporation or association shall have fifty per centum or more of its assets invested in any bonds or warrants of this state, or bonds or warrants of any county, city, or district within this state, or in taxable property within this state, or in first mortgages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected: *And provided further*, That in the case of domestic insurance companies the tax shall be but one per centum on the amount so collected: *And provided further*, That with the exception of license fees, real estate and personal property taxes, and taxes under the reciprocal provisions of section 7092, every insurer organized, admitted or licensed to transact the business of marine insurance, as hereinafter defined, within this state, shall with respect to all marine insurance written within this state upon hulls, freights, or dis-

Payment of
tax to state
treasurer.

Assets
invested
within state.

Domestic
companies.

Marine
insurance.

bursements, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise and inter-coastal, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for, and while awaiting shipment, and during any delays, storage, transshipment, or reshipment incident thereto, including war risks and marine builder's risks, be taxed only on that proportion of the total underwriting profit of such insurer from such insurance written within the United States, which the gross premiums of the insurer from such insurance written within this state bear to the gross premiums of such insurer from such insurance written within the United States. The term "underwriting profit" as used herein, shall be arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the calendar year (1) the losses incurred, and (2) expenses incurred, including all taxes, state and Federal, in connection with such net earned premiums.

Taxed.

Net earned premiums.

Net earned premiums on such marine insurance contracts written during the calendar year shall be arrived at as follows:

Gross premiums.

Gross premiums on such marine insurance contracts, written during the calendar year, less any and all return premiums, any and all premiums on policies not taken and any and all premiums paid for such re-insurance;

Unearned premiums.

Add unearned premiums on such outstanding marine business at the end of the preceding calendar year;

Deduct unearned premiums on such outstanding marine business at the end of the current calendar year;

Losses incurred, as used herein, shall mean gross losses incurred during the calendar year under such marine contracts written within the United States, less re-insurance claims collected or collectible and salvages or recoveries collectible from any source applicable to the aforesaid losses.

Losses
incurred.

Expenses incurred shall include:

(a) Specific expenses incurred on such earned marine premiums, consisting of all commissions, agency expenses, taxes, licenses, fees, loss-adjustment expenses, and all other expenses incurred directly and specifically in connection with such premiums, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of re-insurance or from any other source;

Specific
expenses.

(b) General expenses incurred on such earned premiums, consisting of that proportion of general or overhead expenses, such as salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as otherwise provided herein, and all other expenses not chargeable specifically to a particular class of insurance which the net premiums of such marine insurance written bear to the total net premiums written by such insurer from all classes of insurance written by it during the current calendar year:

General
expenses.

Provided, however, That in arriving at the aforesaid "underwriting profit," for purposes of taxation under this section there shall not be deducted in respect to expenses incurred, as hereinbefore defined and specified in paragraphs (a) and (b) amounts which, in the aggregate, exceed forty per centum of the aforesaid gross premiums on such marine insurance contracts.

Deductible
expenses.

Every insurer transacting marine insurance in this state shall file on or before the fifteenth day of February in each year with the Insurance Commis-

Report.

sioner, and in the form prescribed by him, a report of all the items pertaining to its insurance business as enumerated and prescribed in the preceding subdivision. To determine the basis of the tax on underwriting profit, every insurer which has been writing such marine insurance in this state for three years shall furnish to the Insurance Commissioner a statement of all of the aforementioned items, in the form prescribed by him for each of the preceding three calendar years. An insurer which has not been writing such marine insurance for three years shall furnish to the Insurance Commissioner a statement of all the aforementioned items for each of the calendar years during which it has written such marine insurance.

Computation
of tax.

If the Insurance Commissioner finds the report of the insurer reporting correct, he shall, if the insurer has transacted such marine insurance for three years (1) ascertain the average annual underwriting profit, as defined by this section, derived by the insurer from such marine insurance business written within the United States during the last preceding three calendar years; (2) ascertain the proportion which the average annual premiums of the insurer from such marine insurance written by it in this state during the last preceding three calendar years bears to the average total of such marine premiums of the insurer during the same three years; (3) compute an amount of five (5) per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance, and (4) charge the amount of tax thus computed to such insurer as a tax upon such marine insurance written by it in this state during the current calendar year. The Insurance Commissioner shall each year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such insurer from

such marine insurance during the preceding three years, including the current calendar year, namely, at the expiration of each current calendar year, the profit or loss on such marine insurance business of that year is to be added or deducted, and the profit or loss upon such marine insurance business of the first calendar year of the preceding three year period is to be dropped so that the computation of underwriting profit for purposes of taxation under this section will always be on a three year average: *Provided, however,* That an insurer which has not been writing such marine insurance in this state for three years shall, until it has transacted such business in this state for that number of years, be taxed on the basis of its annual underwriting profit on such marine insurance written within the United States for the current calendar year, subject, however, to an adjustment in the tax as soon as the Insurance Commissioner, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three year basis: *And provided further,* That in the case of mutual companies, the Insurance Commissioner shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policy holders.

When the Insurance Commissioner has computed the tax on an insurer's underwriting profit, he shall forthwith mail to the last known address of the principal office of such insurer a statement of the amount so charged against it, which amount the insurer shall pay to the State Treasurer through the Insurance Commissioner's office within thirty days after receipt of such notice from the Insurance Commissioner: *Provided, however,* That in assessing taxes upon the reciprocal provisions of section 7092, credit shall be allowed for any taxes paid or payable under

Notice and
payment of
tax.

Reciprocal
provisions.

this section. The tax, and the basis thereof, provided for in this section, shall apply to the year ending December thirty-first, nineteen hundred and twenty-nine, as well as to subsequent years: *And provided further*, That for the purpose of this section, the terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or re-insurance against any and all kinds of loss of or damage to:

Marine risks.

(a) Vessels, craft, air craft, cars, automobiles and vehicles of every kind (excluding air craft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, monies, bullion, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks, and all personal property floater risks including bailees customers risks and risks commonly known as bundle insurance; and

(b) Person or to property in connection with or appertaining to a marine, transit or transportation insurance, including liability for loss of or damage, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds); but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person; and

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

The taxes herein provided, except taxes upon marine insurance, shall be due and payable on the first day of March succeeding the filing of the statement provided for herein.

Taxes payable.

Any company, failing or refusing to render such statement and information, and to pay taxes herein specified, for more than thirty days after the time specified, shall be liable for a fine of twenty-five dollars for each additional day of delinquency, and such tax may be collected by distraint, and such fine may be recovered by an action, to be instituted by the commissioner, in the name of the state, the Attorney General representing him, in any court of competent jurisdiction. The amount of the fine collected shall be paid to the State Treasurer and credited to the general fund; and the commissioner may revoke and annul the certificate of authority of such delinquent company, until such taxes and fine, should any be imposed, are fully paid.

Penalty for delinquency.

The annual statement made to the commissioner pursuant to this section, or other provisions of law, shall at least include the substance of that required by what is known as the "convention blank form," adopted from year to year, by the national convention of insurance commissioners, and shall also include such other information as may be required by the commissioner.

Form of annual statement.

SEC. 2. This act is necessary for the immediate support of the state government and of existing public institutions of the state and shall take effect immediately.

Effective immediately.

Passed the Senate January 25, 1939.

Passed the House February 6, 1939.

Approved by the Governor February 10, 1939.

CHAPTER 11.

[S. B. 70.]

SHORELAND IMPROVEMENT FUND ABOLISHED.

AN ACT transferring certain monies in and to be paid into the State Treasury and abolishing the shoreland improvement fund and defining the duties and powers of the State Treasurer in connection therewith and declaring an emergency.

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

Monies transferred.

SECTION 1. That all monies in the state treasury to the credit of the shoreland improvement fund and all monies hereafter paid into the state treasury for credit to the shoreland improvement fund, shall be and [are] hereby transferred to and placed in the parks and parkway fund.

Fund abolished.

SEC. 2. That from and after the date of taking effect of this act the shoreland improvement fund in the state treasury shall be and is hereby abolished.

Warrants.

SEC. 3. That from and after the date of taking effect of this act all warrants drawn on the shoreland improvement fund and not presented for payment shall be paid from the parks and parkway fund and it shall be the duty of the State Treasurer and he is hereby directed to pay such warrants, when presented, from the parks and parkway fund.

Effective immediately.

SEC. 4. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 25, 1939.

Passed the House February 6, 1939.

Approved by the Governor February 10, 1939.

CHAPTER 12.

[S. B. 68.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to the state government; creating the office of unemployment compensation and placement; providing for the appointment of a commissioner thereof, and defining his powers and duties; transferring duties to such officer from the department of social security; abolishing the divisions of unemployment compensation and employment service of the department of social security, and declaring an emergency.

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

SECTION 1. There is hereby created the office of Unemployment Compensation and Placement for the State of Washington, to be administered by a Commissioner of Unemployment Compensation and Placement. Said commissioner shall be appointed by the governor with the consent of the senate and shall hold office at the pleasure of, and receive such compensation for his services as may be fixed by, the governor. The first appointment of Commissioner of Unemployment Compensation and Placement shall be made immediately upon the taking effect of this act.

Department
of Unem-
ployment
Compensa-
tion.

Commis-
sioner.

SEC. 2. The Commissioner of Unemployment Compensation and Placement shall have and exercise all powers and duties which are now vested in and authorized to be performed by the department of social security, or the director, or any division or supervisor thereof, in respect to the administration of the Unemployment Compensation Act, being chapter 162, Laws of 1937, or as the same may be hereafter amended. The commissioner shall have full charge of the unemployment compensation division and the Washington State employment service division created by said act and shall have power to appoint such assistants, deputies and other person-

Powers and
duties.

nel as may be necessary properly to administer such act.

Definitions.

SEC. 3. Wherever the terms "director," "director of social security," "director of the department of social security" or "department of social security" are used in chapter 162, Laws of 1937, or as the same may be amended, they shall be construed to refer to the Commissioner of Unemployment Compensation and Placement created by this act.

Offices abolished.

SEC. 4. The Divisions of Unemployment Compensation and Employment service, as divisions of the Department of Social Security, are hereby abolished; but the same may be continued in effect as separate divisions under the Commissioner of Unemployment Compensation and Placement: *Provided*, That the abolishment of said divisions shall not in any wise affect the validity of any act performed before the taking effect of this act and the appointment of a commissioner hereunder, nor shall it affect or impair any rights, powers or privileges which shall have accrued prior to the taking effect of this act. All files, business and property of any kind pertaining to the unemployment compensation and employment service divisions of the department of social security shall be transferred to the Commissioner of Unemployment Compensation and Placement immediately upon his taking office.

Effective immediately.

SEC. 5. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 20, 1939.

Passed the House February 8, 1939.

Approved by the Governor February 10, 1939.

CHAPTER 13.

[S. B. 125.]

IRRIGATION DISTRICTS DIVIDED INTO DIRECTOR DIVISIONS.

AN ACT relating to irrigation districts comprising an area of two hundred thousand (200,000) or more acres of land, providing for dividing such districts into director divisions and for the election of directors for such divisions, on the board of directors of the irrigation district, limiting the amounts of district assessments which may be levied in any director division thereof in any one calendar year to two cents per acre under the conditions specified therein, repealing all laws or parts of same inconsistent or in conflict herewith, and providing that this act shall take effect immediately.

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

SECTION 1. Any irrigation district in this state comprising within its boundaries two hundred thousand (200,000) or more acres of land, now existing or hereafter organized, shall be divided into divisions of as nearly equal area as practical, the number of divisions to be the same number as the number of directors which manage the district, which divisions shall be numbered first, second, third, etc., and one director, who shall be an elector of the division, shall be elected for each division of the district by the electors of his division, as the representative of the division on the board of directors of the district. Any district elector shall be considered an elector of the director division in which he holds title to or evidence of title to land, but an elector holding title to or evidence of title to land in more than one director division shall be considered an elector of the division nearest his place of residence.

SEC. 2. Vacancies in the representation of director divisions on the board of directors of the irrigation district, shall be filled by appointment of an elector of the division concerned in the same manner

and for the same time as now, or shall be hereafter provided by the general irrigation district law for the filling of vacancies on the board of directors of irrigation districts.

Canvass
of votes.

SEC. 3. Upon canvassing the votes at any election involving the question whether an irrigation district of the area of two hundred thousand (200,000) or more acres of land, shall be organized, it shall be the duty of the board of county commissioners, if it finds that the organization of the district has been authorized, within thirty (30) days from the day the vote is canvassed, to divide such district into director divisions as above provided and to include in its resolution organizing such district, an order designating the director divisions and describing the boundaries thereof respectively.

Proceedings
to divide
districts.

SEC. 4. Proceedings to divide or redivide into director divisions any irrigation district of an area of two hundred thousand (200,000) or more acres shall be initiated by a petition for that purpose filed with the board of county commissioners of the county in which the principal office of the district is situated. Such petition shall designate the name of the irrigation district concerned and shall pray that the district be divided into director divisions as required by law and shall be signed by the members of the board of directors of the district or in lieu thereof by at least twenty (20) landowners of the district: *Provided*, That petition to redivide districts into director divisions shall not be filed more than once in each five (5) year period.

Petition.

Notice.

SEC. 5. Upon the filing of said petition, the board of county commissioners shall fix a time and place for hearing the petition and shall cause notice of the same, stating the time, place and general purpose of the hearing, to be published in a newspaper of general circulation published in each county in

which any part of the irrigation district is situated, if there be such newspaper, otherwise in any newspaper of general circulation for the county in which no newspaper is published, as shall be designated by the board of county commissioners with which the petition is filed, in at least three (3) consecutive weekly issues of said newspaper or newspapers, as the case may be, published prior to the day of said hearing.

SEC. 6. At the time and place specified in the notice, the board of county commissioners shall consider the petition, and may adjourn from time to time as may be necessary, not exceeding in all a period of sixty (60) days, shall have full authority in this connection, and shall divide the district into director divisions as provided by law and shall enter an order to that effect. A copy of said order shall be filed for record without charge in the office of the county auditor of each county in which any part of the irrigation district is situated, and, thereafter, directors of the irrigation district shall be elected or appointed as provided in this act.

Hearing.

SEC. 7. In the event the number of directors of any district of an area of two hundred thousand (200,000) or more acres is changed as authorized by law, a petition for the division of the district in the number of director divisions required by law shall be filed and granted by the board of county commissioners as herein provided for the division of districts into director divisions.

Change in number of directors.

SEC. 8. At the general election for selection of directors of any district which has been divided into director divisions as herein provided, next succeeding said division, the electors of the director division designated as the first division shall select the director then to be elected on the board, and if more than one director is to be selected, the director divi-

General election for selection of directors.

sion designated as the second director division shall select the director and so on in numerical order of the designated name of the director division, until at the election and at succeeding elections as the terms of incumbent directors expire, all the director divisions are represented on the board of directors of the district and thereafter directors of the district shall be elected from the director divisions, in rotation, as their respective terms of office expire, as provided by law: *Provided*, That in the event any district of two hundred thousand (200,000) or more acres has been organized but has not yet held its election for selection of officers next succeeding its organization, prior to the going into effect of this act, then in that event, such district, at its next annual election shall select directors for three, two and one year terms respectively, and if such district is managed by a board of three directors, director division designated as first division being entitled to select a director for the three year term, and director division designated as the second division being entitled to select a director for the two year term, and director division designated as third division being entitled to select a director for the one year term, and thereafter their successors shall be elected for three year terms respectively, but in the event any such district is managed by a board of five directors, then in that event director divisions designated as first and second divisions respectively shall be entitled to select directors for the three year terms and director divisions designated as third and fourth divisions respectively shall be entitled to select directors for the two year terms, and director division designated as fifth division shall be entitled to select a director for the one year term, and thereafter their successors shall be elected for three year terms respectively: *Provided*, That a non-resident elector shall vote in the director division in which his land is

Non-resident
electors.

located and in case he owns land in more than one division, he shall vote in the division in which he owns land nearest his place of residence.

SEC. 9. That in any such district of two hundred thousand (200,000) or more acres, so divided into director divisions by order of the board of county commissioners, where the district includes land proposed to be irrigated in whole or in part by means of works constructed or to be constructed by the United States or there is an outstanding contract between the Federal government and the district for water not yet available for all parts of the district, no assessment of more than two cents per acre shall be levied on any tract of land in such district in any one calendar year prior to the date the Secretary of the Interior announces that water is ready for delivery to such tract of land or the legal subdivision in which such tract is located. After announcement by the Secretary of the Interior that water is ready for delivery to any tract or legal subdivision of the district, the lands of such tract or subdivision shall be subject to assessment as provided by law. Assessments.

SEC. 10. That in any such district of two hundred thousand (200,000) or more acres, so divided into director divisions and under contract with the Federal government, as provided in the preceding section, no tract of the land in any division, designated as excess land under the provisions of the Act of Congress of May 27, 1937 (50 Stat. 208), commonly known as the Federal anti-speculation act, and subscribed by the owner thereof to the excess land contract form approved therefor by the Secretary of the Interior pursuant to said act, shall be assessed by the district in excess of two cents per acre in any one calendar year though water may be available for lands in the division in which such land is located unless such part has been sold by contract or for Excess lands.

cash under the provisions of said Federal act or unless water for the same has been sooner called for by the owner, until after the expiration of the period provided in the contract between the district and the Secretary of the Interior for the sale of such excess land or in the excess land contract applicable to such land.

Construction
of act.

SEC. 11. This act is intended, and shall be construed, to be supplemental to and shall become a part of the law relating to irrigation districts, and any act or part of the same inconsistent or in conflict with the provisions of this act or any part thereof are hereby repealed: *Provided*, That nothing herein contained shall be held or construed to modify or repeal any law or part of the same now existing or hereafter enacted relating to irrigation districts comprising areas less than two hundred thousand (200,000) acres of land.

Partial
invalidity.

SEC. 12. Each section and provision of this act shall be considered separable from every other section and provision of the act, and should any section or provision thereof be held unconstitutional, the unconstitutionality of such section or provision shall not affect or impair the validity of the remainder of the act but in that event the unconstitutional section or provision shall be eliminated and the remainder of the act remain in full force and effect.

Effective
immediately.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 3, 1939.

Passed the House February 9, 1939.

Approved by the Governor February 17, 1939.

CHAPTER 14.

[S. B. 126.]

IRRIGATION DISTRICTS: FEDERAL JURISDICTION.

AN ACT relating to irrigation and reclamation districts and to the prevention of land speculation therein, consenting to, adopting, ratifying, authorizing and enacting the provisions of that certain Act of Congress of May 27, 1937, entitled "An Act to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes" in so far as the provisions of said Federal Act, or any of them, in whole or in part, may come within the scope of state jurisdiction or authority or be applicable to state lands, authorizing and empowering such irrigation and reclamation districts to comply with the provisions of this act, authorizing and directing the inclusion of state lands in such district, the acceptance of the appraisal of state lands under said federal act, and the sale thereof at public auction at not less than such appraised value and in parcels of not more than eighty (80) acres in any one parcel or more than eighty (80) acres to any one person, and providing for cooperation with the Secretary of the Interior in carrying out said act, authorizing boards of county commissioners to contract with the United States to subject county owned lands in any such district to such act of Congress upon the terms agreed upon in such contract, providing that each section and provision of the act is separable from every other and no part thereof to be held invalid on account of the unconstitutionality of any other part, repealing all laws or parts of same inconsistent or in conflict herewith, and providing that this act shall take effect immediately.

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

SECTION 1. The State of Washington hereby authorizes, adopts, ratifies, and consents to all the provisions of that certain Act of Congress of May 27, 1937, entitled "An Act to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid

State adopts
Federal act.

land, and for other purposes" in so far as the provisions of said Federal act, or any of them, in whole or in part, may come within the scope of state jurisdiction or authority or be applicable to state lands.

Federal
jurisdiction.

SEC. 2. The Federal act above referred to is hereby adopted, ratified and authorized as the law of this state applicable not alone to the Columbia Basin project or any irrigation district or reclamation district or districts organized therein but applicable to all irrigation districts and reclamation districts of this state which may have heretofore or may hereafter contract with the Federal government under forms of contract including provisions similar to those authorized and provided for in the said above described Federal act of May 27, 1937, or the similar forms provided for or commonly used under prior acts of Congress known as the Reclamation Laws, and the state, its officers, its counties, and its irrigation and reclamation districts shall have full authority on their part to carry out such contracts.

Provisions
of act
applicable.

SEC. 3. That the provisions of this act shall not be limited in their application to the lands of the said Columbia Basin project but shall apply with equal force to all irrigation districts and reclamation districts of the State of Washington which may have heretofore or may hereafter contract with the Federal government under the provisions of the Federal Reclamation Act under contracts containing provisions similar in whole or in part to those authorized under such Federal act above referred to, of May 27, 1937.

Inclusion of
state lands.

SEC. 4. Whenever an irrigation district or reclamation district of the class to which this act applies is organized or in process of organization, the Commissioner of Public Lands of the State of Washington is authorized and directed to have any state lands within the exterior boundaries of such district included as a part of the lands of such dis-

trict. The state hereby consents to the assessment by the district of such state lands so included in any such irrigation district and the enforcement of the payment of such assessments in like manner and to the same extent as applicable to private lands in such districts, except that the payment of such assessment against such state lands shall not be enforced by transfer of title, by tax sale, tax foreclosure or otherwise, until the state has sold or transferred such lands to a private party.

SEC. 5. When the appraisal provided for in the Act of Congress of May 27, 1937, entitled "An Act to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes," has been made of any state lands in any such district or project, and has been approved by the Secretary of the Interior, the Commissioner of Public Lands of the State of Washington is authorized and directed to recognize and accept such appraisal as ascertaining and determining the market value of such lands in the manner provided by law and as the appraisal provided for in section 2 of article XVI of the constitution of the State of Washington, and thereafter, whenever a petition or request shall be received for the sale of any such lands, he shall offer the same for sale at public auction in not more than eighty acres in one parcel and shall sell the same at public auction to the highest bidder but not more than eighty acres to any one person, and for not less than the said appraised value thereof, regardless of whether the appraised value or bid price therefor is more or less than ten dollars per acre, and is authorized and directed to cooperate with the Secretary of the Interior in carrying out the provisions of the said Act of Con-

State lands
appraised.

Sale at
public
auction.

gress in so far as any state lands may be involved in any such project or district.

County
lands.

SEC. 6. Where any county owned land is situated in any irrigation or reclamation district coming under the provisions of this act, the board of county commissioners of the county shall have authority at its option of entering into a contract with the Federal government to bring any of such county lands as the county board shall determine within the provisions of the Federal Anti-speculation Act upon such terms as shall be agreed upon between the county and the Federal government: *Provided*, That such contract shall not obligate the county to pay any irrigation or reclamation district assessments levied against such lands except such, if any, as the board of county commissioners of said county shall elect to pay: *Provided further*, That nothing herein contained shall be construed to deprive the irrigation or reclamation district of the right to assess such lands, if otherwise assessable and to enforce the collection of the same in the manner provided by law.

Assessments.

Partial
invalidity.

SEC. 7. Each section and provision of this act shall be considered separable from every other section and provision of the act, and should any section or provision thereof be held unconstitutional, the unconstitutionality of such section or provision shall not affect or impair the validity of the remainder of the act but in that event the unconstitutional section or provision shall be eliminated and the remainder of the act remain in full force and effect.

Repeal of
inconsistent
acts.

SEC. 8. Any act or part of the same inconsistent or in conflict with the provisions of this act or any part thereof is hereby repealed.

Effective
immediately.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety,

support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 3, 1939.

Passed the House February 9, 1939.

Approved by the Governor February 17, 1939.

CHAPTER 15.

[H. B. 33.]

REGISTRATION OF VOTERS.

AN ACT relating to the qualification of electors, the registration of voters, defining the duties of certain officers in connection therewith, and amending section 5114-3 of Remington's Revised Statutes.

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

SECTION 1. That section 5114-3 of Remington's Revised Statutes be and is hereby amended to read as follows:

Amends
§ 5114-3,
Rem. Rev.
Stat.

Section 5114-3. The county auditor of each county shall be the registrar of voters for all precincts within the county lying outside of incorporated cities and towns, hereinafter designated as rural precincts, and the clerk or comptroller, of each incorporated city or town shall be the registrar of voters for all precincts within the city or town. The county auditor shall appoint, from time to time, a deputy registrar of voters for each rural precinct of the county, who shall be a legal voter, and shall hold office at the pleasure of the county auditor. It shall be permissible for one person to act as deputy registrar for not more than five (5) precincts, at the discretion of the county auditor: *Provided*, That in case a precinct lies partly within and partly without the corporate limits of a city or town, the registrar of voters of such city or town shall be the registration officer of that portion of such precinct

Registrars
designated.

Deputies.

Precinct
partly within
city.

without the city or town, but the voters within the city or town, and those without, shall be registered in separate registration files.

Passed the House February 16, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 20, 1939.

CHAPTER 16.

[H. B. 103.]

PROPERTY ERRONEOUSLY ASSESSED.

AN ACT relating to taxation; providing for cancellation of or reduction in the assessment of property erroneously assessed through errors in description, double assessments or manifest errors in assessment which do not involve a revaluation of the property, and the correction of error in extending tax-rolls and for the refund of taxes based thereon; defining the duties of certain state and county officers in connection therewith; and declaring an emergency.

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

SECTION 1. Whenever a taxpayer believes or has reason to believe that, through error in description, double assessments or manifest errors in assessment which do not involve a revaluation of the property, he has been erroneously assessed or that a tax has been incorrectly extended against him upon the tax-rolls, and the tax based upon such erroneous assessment or incorrect extension has been paid, such taxpayer may initiate a proceeding for the cancellation or reduction of the assessment of his property and the tax based thereon or for correction of the error in extending the tax on the tax-rolls, and for the refund of the claimed erroneous tax or excessive portion thereof, by filing a petition therefor with the county assessor of the county in which the property is or was located or taxed, which petition

Proceedings
for cancella-
tion or
reduction of
erroneous
assessment.

Petition.

shall legally describe the property, show the assessed valuation and tax placed against the property for the year or years in question and the taxpayer's reasons for believing that there was an error in the assessment within the meaning of this act, or in extending the tax upon the tax-rolls and set forth the sum to which the taxpayer desires to have the assessment reduced or the extended tax corrected.

SEC. 2. Upon the filing of the petition with the county assessor that officer shall proceed forthwith to conduct such investigation as may be necessary to ascertain and determine whether or not the assessment in question was erroneous or whether or not the tax was incorrectly extended upon the tax-rolls and if he finds there is probable cause to believe that the property was erroneously assessed, and that such erroneous assessment was due to an error in description, double assessment or manifest error in assessment which does not involve a revaluation of the property, or that the tax was incorrectly extended upon the tax-rolls, he shall endorse his findings upon the petition, and thereupon within ten days after the filing of the petition by the taxpayer forward the same to the county treasurer. If the assessor's findings be in favor of cancellation or reduction or correction he shall include therein a statement of the amount to which he recommends that the assessment and tax be reduced. It shall be the duty of the county treasurer, upon whom a petition with endorsed findings is served, as in this act provided, to endorse thereon a statement whether or not the tax against which complaint is made has in fact been paid and, if paid, the amount thereof, whereupon the county treasurer shall immediately transmit the petition to the prosecuting attorney and the prosecuting attorney shall make such investigation as he deems necessary and, within ten days

Investigation.

after receipt of the petition and findings by him, transmit the same to the state tax commission with his recommendation in respect to the granting or denial of the petition.

Order
granting or
denying
petition.

SEC. 3. Upon receipt of the petition, findings and recommendations the state tax commission shall proceed to consider the same, and it may require evidence to be submitted and make such investigation as it deems necessary and for such purpose the commission shall be empowered to subpoena witnesses in order that all material and relevant facts may be ascertained. Upon the conclusion of its consideration of the petition and within thirty days after receipt thereof, the commission shall enter an order either granting or denying the petition and if the petition be granted the commission may order the assessment cancelled or reduced or the extended tax corrected upon the tax-rolls in any amount it deems proper but in no event to exceed the amount of reduction or correction recommended by the county assessor.

Refund.

SEC. 4. Certified copies of the commission's order shall be forwarded to the county assessor, the county auditor and the taxpayer, and the taxpayer shall immediately be entitled to a refund of the difference, if any, between the tax already paid and the cancelled or reduced or corrected tax based upon the order of the tax commission with legal interest on such amount from the date of payment of the original tax. Upon receipt of the commission's order the county auditor shall draw a warrant against the county tax refund fund in the amount of any tax reduction so ordered, plus legal interest to the date such warrant is issued, and such warrant shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in the county tax refund fund for the payment of such warrant the warrant shall bear interest and

shall be callable under such conditions as are provided by law for county warrants and such interest, if any, shall also be paid out of said fund. The commission's order shall for all purposes be considered as a judgment against the county tax refund fund and the obligation thereof shall be discharged in the same manner as provided by law for the discharge of judgments against the county for excessive taxes under the provisions of chapter 62, Laws of 1931 (Sec. 11315-1 to 11315-8, inclusive, Rem. Rev. Stat.) or any act amendatory thereof.

SEC. 5. No petition for cancellation or reduction of assessment or correction of tax-rolls and the refund of taxes based thereon under this act shall be considered if the amount of claimed erroneous or excess tax for any year involved in such petition exceeds the sum of \$200 and no such petition shall be considered unless filed within three years after the challenged tax was paid.

Maximum amount recoverable.

Three year limitation.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the House February 2, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 20, 1939.

CHAPTER 17.

[H. B. 105.]

UNITED STATES FLAG DISPLAYED ON CAMPUSES.

AN ACT requiring the display of the United States flag on the campuses of the state institutions of higher education.

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

SECTION 1. Every board of trustees or board of regents of the state institutions of higher education as defined in section 1 of chapter 69 of the Laws of 1911 (section 5528 of Remington's Revised Statutes; section 4750 of Pierce's Code) shall procure a United States flag, which shall be replaced with a new one whenever the same becomes tattered, torn or faded, and shall cause said flag to be displayed on the campus of each state institution of higher education during class hours, except in unsuitable weather, and at such other times as to the board may seem proper.

Passed the House February 16, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 20, 1939.

CHAPTER 18.

[H. B. 119.]

TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT appropriating the sum of Thirty-five Hundred Dollars (\$3,500.00), or so much thereof as may be necessary for the temporary publication of Session Laws of the 26th Session of the Washington State Legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of Thirty-five Hundred Dollars (\$3,500.00), or so much thereof as may be necessary, for the printing and mailing of the temporary publication of the Session Laws of the 26th Session of the Washington State Legislature. Appropriation.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing institutions and shall take effect immediately. Effective immediately.

Passed the House January 30, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 20, 1939.

CHAPTER 19.

[H. B. 108.]

EXCHANGE OF LANDS BETWEEN STATE AND
F. L. ROHRBACH.AN ACT authorizing the exchange of state lands for lands
owned by F. L. Rohrbach.*Be it enacted by the Legislature of the State of
Washington:*Exchange of
lands.

SECTION 1. For the purpose of securing an additional tract of land adjacent to Riverside State Park and for the purpose of permitting F. L. Rohrbach to obtain a tract not needed for park purposes to give him access to his own property, the state parks committee is hereby authorized to enter into an exchange with the said F. L. Rohrbach whereby the parks committee will transfer to him the land more particularly described as follows:

Beginning at the point of intersection of the extended center line of the vacated street lying between Block 41 and Tracts 52 and 53 of Webster with the north line of Lot 1 in Block 46 of First Addition to Resurvey of Audubon Park; running thence west along the north line of said Lot 1, 80 feet to a point; thence north on a line parallel with the west line of said vacated street, 75 feet to a point; thence east to the point of intersection with the center line of said vacated street; thence south along the center line of said vacated street and said center line extended to the point of beginning, in exchange for lands owned by the said F. L. Rohrbach and more particularly described as follows:

That part of Lots 5 and 6 and vacated street adjoining on the west in Block 41 of Webster, more particularly described as follows:

Beginning at the northwest corner of Lot 6 in said Block 41; thence north on the produced west line of Lot 6, 8 feet; thence west to the point of intersec-

tion with the center line of vacated street adjoining on the west of said Lot 6; thence south along the center line of said vacated street, 68 feet; thence northeasterly to a point in the east line of said Lot 5 which is 20 feet south of the northeast corner thereof; thence north 20 feet to the northeast corner of said lot; thence west along the north line of said Lots 5 and 6 to the point of beginning.

SEC. 2. The chairman and secretary of the state parks committee are hereby authorized and directed to certify to the Governor for deed or conveyance in the manner now provided for deeds to school and granted land; and the Governor is hereby authorized and directed in the name of the State of Washington to execute and the Secretary of State to attest such agreements, writings or deeds conveying said land to F. L. Rohrbach as are necessary or proper for the purpose of carrying this exchange into effect.

Deed or
conveyance

SEC. 3. The provisions of this act shall not apply unless the proposed exchange shall have received sufficient approval by the proper authorities of the city of Spokane to comply with the provisions of the deed from the said city to the State of Washington conveying, with other lands, the tract first above described, recorded on pages 276 to 279 inclusive in book 6 of deeds in the office of the Secretary of State, and containing a provision that the property must be used for park purposes.

Passed the House January 31, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 21, 1939.

CHAPTER 20.

[H. B. 109.]

STATE LANDS CONVEYED TO FAIRMONT CEMETERY
ASSOCIATION.

AN ACT authorizing the conveyance to the Fairmont Cemetery Association of certain state lands in Spokane county.

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

SECTION 1. The state parks committee of the State of Washington, in consideration of certain grants for rights of way across land owned by the Fairmont Cemetery Association, shall be and is hereby authorized to issue to said association a quit claim deed to the following described lands, to-wit: the east one hundred (100) feet of the south four hundred (400) feet of Lot one (1), section thirty-four (34), township twenty-six (26) north, range forty-two (42) east, W. M., in Spokane county.

SEC. 2. The chairman and secretary of the state parks committee are hereby authorized and directed to certify, in the manner now provided for deeds to school and granted lands, to the Governor for deed; and the Governor is hereby authorized and directed in the name of the State of Washington to execute and the Secretary of State to attest such a deed conveying said land to the Fairmont Cemetery Association.

Passed the House January 31, 1939.

Passed the Senate February 15, 1939.

Approved by the Governor February 21, 1939.

CHAPTER 21.

[H. B. 101.]

NOVEMBER 11TH DESIGNATED AS SCHOOL HOLIDAY.

AN ACT relating to schools and declaring November 11 to be a school holiday; providing for the suitable observance thereof in the schools of the state; amending section 4899 of Remington's Revised Statutes.

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

SECTION 1. That section 4899, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 4899 Rem.
Rev. Stat.

Section 4899. The 11th day of November each year, or the Friday preceding when such 11th of November falls upon a non-school day, shall be suitably observed in all of the common schools and institutions of higher learning of the state and shall be known as "Armistice and Admission Day," and when November 11 falls on a school day it shall be a holiday for all common schools and institutions of higher learning.

Armistice
and
Admission
Day.

Passed the House February 10, 1939.

Passed the Senate February 21, 1939.

Approved by the Governor February 23, 1939.

CHAPTER 22.

[S. B. 400.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of fifty-eight thousand dollars (\$58,000), or so much thereof as may be necessary for the expenses of the twenty-sixth legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of fifty-eight thousand dollars (\$58,000), or so much thereof as may be necessary to be used for the purpose of paying the expenses of the twenty-sixth legislature of the State of Washington.

Effective immediately.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate February 21, 1939.

Passed the House February 22, 1939.

Approved by the Governor February 24, 1939.

CHAPTER 23.

[S. B. 79.]

HOUSING AUTHORITIES LAW.

AN ACT declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; creating such housing authorities in cities and in counties; defining the powers and duties of housing authorities and providing for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; providing that housing authorities may obtain the Attorney General's opinion upon their bonds; providing that housing authorities, their property and securities shall be exempt from taxation and assessment, but authorizing certain payments in lieu of taxes; providing that bonds of housing authorities shall be legal investments; conferring remedies on obligees of housing authorities; and declaring an emergency.

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

SECTION 1. SHORT TITLE. This act may be referred to as the "Housing Authorities Law." Title.

SEC. 2. FINDING AND DECLARATION OF NECESSITY. Purpose.
 It is hereby declared: (a) that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the afore-said conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime preven-

tion and punishment, public health and safety, fire and accident protection, and other public services and facilities; (b) that these areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise; (c) that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; (d) that it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

Definitions.

SEC. 3. DEFINITIONS. The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Authority" or "Housing Authority" shall mean any of the public corporations created by section 4 of this act.

(b) "City" shall mean any city of any class. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(c) "Governing body" shall mean, in the case of a city, the city council or the commission and in

the case of a county, the board of county commissioners.

(d) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(e) "Clerk" shall mean the clerk of the city or the clerk of the board of county commissioners, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(f) "Area of operation": (1) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: *Provided*, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (2) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(g) "Federal government" shall include the United States of America, the United States Housing Authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(i) "Housing project" shall mean any work or undertaking: (1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (2) to provide

decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (3) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(j) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(k) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this act.

(l) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(m) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project,

or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the authority.

SEC. 4. CREATION OF HOUSING AUTHORITIES. In each city (as herein defined) and in each county of the state there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city or county: *Provided, however,* That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (a) may be made by the governing body on its own motion or (b) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

Creation of
housing
authorities.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such city or county or (b) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such build-

Resolution.

ings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

Commis-
sioners.

SEC. 5. APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS. When the governing body of a city adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor shall appoint five persons as commissioners of the authority created for said city. When the governing body of a county adopts a resolution as aforesaid, said body shall appoint five persons as commissioners of the authority created for said county. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. A commissioner shall hold office

Terms.

until his successor has been appointed and has qualified, unless sooner removed according to this act. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services for the authority, in any capacity, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

No compensation.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The mayor (or in the case of an authority for a county, the governing body of the county) shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may dele-

Chairman.

Legal aid.

gate to one or more of its agents or employees such powers or duties as it may deem proper.

Pecuniary
interest
prohibited.

SEC. 6. INTERESTED COMMISSIONERS OR EMPLOYEES. No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property.

Removal.

SEC. 7. REMOVAL OF COMMISSIONERS. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor (or in the case of an authority for a county, by the governing body of said county), but a commissioner shall be removed only after he shall have been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

Powers of
authority.

SEC. 8. POWERS OF AUTHORITY. An authority shall constitute a public body corporate and politic, exercising public and essential governmental func-

tions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the authority.

(b) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof. Housing projects.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any sub-contractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid of the project.

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, Leases.

grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the Federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

Investment
of funds.

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

Investiga-
tions.

(f) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare. Hearings.

(h) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

SEC. 9. OPERATION NOT FOR PROFIT. It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (to- Non profit enterprise.

gether with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (a) to pay, as the same become due, the principal and interest on the bonds of the authority; (b) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (c) to create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

Selection
of tenants.

SEC. 10. RENTALS AND TENANT SELECTION. In the operation and management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection: (a) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (b) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (c) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas,

cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Nothing contained in this or the preceding section shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

SEC. 11. COOPERATION BETWEEN AUTHORITIES. Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

Cooperation
between
authorities.

SEC. 12. EMINENT DOMAIN. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the same manner and under the same procedure as now is or may be hereafter provided by law in the case of other corporations authorized by the laws of the state to exercise the right of eminent domain; or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: *Provided*, That no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

Eminent
domain.

Building
laws.

SEC. 13. PLANNING, ZONING AND BUILDING LAWS. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

Bonds.

SEC. 14. BONDS. An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (b) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the Federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the city, the county, the state or any political subdivision

thereof and neither the city or the county, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

SEC. 15. FORM AND SALE OF BONDS. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date, or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

Form and
sale of bonds.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings involving the

validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this act.

Bonds, trust
indentures
and
mortgages.

SEC. 16. PROVISIONS OF BONDS, TRUST INDENTURES, AND MORTGAGES. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant

against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant (subject to the limitations contained in this act) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(k) To vest in a trustee or trustees or the holders of bonds or any proportion of them the

right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Certification
of bonds
by Attorney
General.

SEC. 17. CERTIFICATION BY ATTORNEY GENERAL. Any authority may submit to the Attorney General of the state any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the Attorney General, it shall be the duty of the Attorney General to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this act and are otherwise regular in form and if such bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable

according to the terms thereof, the Attorney General shall certify in substance upon the back of each of said bonds that it is issued in accordance with the constitution and laws of the State of Washington.

SEC. 18. REMEDIES OF AN OBLIGEE OF AUTHORITY. Remedy of obligee.
An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

SEC. 19. ADDITIONAL REMEDIES CONFERABLE BY AUTHORITY. Additional remedies.
An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of any housing project of said authority or any part

thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(c) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

Exemption
from
execution.

SEC. 20. EXEMPTION OF PROPERTY FROM EXECUTION SALE. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property: *Provided, however,* That the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

Federal aid.

SEC. 21. AID FROM FEDERAL GOVERNMENT. In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the Federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the Federal government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act

to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

SEC. 22. TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES. The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof: *Provided, however,* That in lieu of such taxes an authority may agree to make payments to the city or the county or any such political subdivision for improvements, services and facilities furnished by such city, county or political subdivision for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such city, county or political subdivision upon the property included in said project prior to the time of its acquisition by the authority.

Tax
exemption.

SEC. 23. HOUSING BONDS LEGAL INVESTMENTS AND SECURITY. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to the Housing Authori-

Bonds legal
investments.

ties Law of this state or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this act to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations: *Provided, however,* That nothing contained in this act shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

Reports.

SEC. 24. REPORTS. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.

Partial
invalidity.

SEC. 25. SEVERABILITY. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Repeal of
conflicting
acts.

SEC. 26. ACT CONTROLLING. In so far as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

SEC. 27. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, and safety, support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the Senate February 2, 1939.

Passed the House February 22, 1939.

Approved by the Governor February 24, 1939.

CHAPTER 24.

[S. B. 80.]

HOUSING COOPERATION LAW.

AN ACT authorizing cities, towns, counties, and other public bodies and subdivisions to aid housing projects of housing authorities or of the United States of America by conveying or dedicating property, by furnishing parks, playgrounds, streets, roads, water, sewer or drainage facilities and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; authorizing cities, towns, counties and other public bodies and subdivisions to purchase bonds of housing authorities, to make agreements respecting the exercise of their powers relating to the remedying or elimination of unfit dwellings, and to make agreements relating to payments by housing authorities; authorizing certain cities, towns and counties to pay moneys to housing authorities; and declaring an emergency.

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

SECTION 1. SHORT TITLE. This act may be referred to as the "Housing Cooperation Law." Title.

SEC. 2. FINDING AND DECLARATION OF NECESSITY. Purpose.
It has been found and declared in the Housing Authorities Law that there exist in the state unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public

funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the Housing Authorities Law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent, and other aid given; that it is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project; and that the provisions hereinafter enacted are necessary in the public interest.

Definitions.

SEC. 3. DEFINITIONS. The following terms, whenever used or referred to in this act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Housing authority" shall mean any housing authority created pursuant to the Housing Authorities Law of this state.

(b) "Housing project" shall mean any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similar work or undertaking of the Federal government.

(c) "State public body" shall mean any city, town, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(d) "Governing body" shall mean the council, the commission, board of county commissioners or other body having charge of the fiscal affairs of the state public body.

(e) "Federal government" shall include the United States of America, the United States Housing

Authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

SEC. 4. COOPERATION IN UNDERTAKING HOUSING PROJECTS. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

Housing projects.

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority or the Federal government;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city or town also may change its map;

(e) Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

(g) Employ (notwithstanding the provisions of any other law) any funds belonging to or within the control of such state public body, including funds

derived from the sale or furnishing of property or facilities to a housing authority, in the purchase of the bonds or other obligations of a housing authority; and exercise all the rights of any holder of such bonds or other obligations;

(h) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

(i) Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this act;

(j) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this act. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without appraisal, advertisement or public bidding: *Provided*, There must be 5 days public notice given either by posting in three public places or publishing in the official county newspaper of the county wherein the property is located; and

(k) With respect to any housing project which a housing authority has acquired or taken over from the Federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

Lieu of taxes.

SEC. 5. AGREEMENTS AS TO PAYMENTS BY HOUSING AUTHORITY. In connection with any housing project

located wholly or partly within the area in which it is authorized to act, any state public body may agree with a housing authority or the Federal government that a certain sum (in no event to exceed the amount last levied as the annual tax of such state public body upon the property included in said project prior to the time of its acquisition by the housing authority) or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

SEC. 6. **ADVANCES TO HOUSING AUTHORITY.** Any city, town, or county located in whole or in part within the area of operation of a housing authority shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it. Advances.

SEC. 7. **PROCEDURE FOR EXERCISING POWERS.** The exercise by a state public body of the powers herein granted may be authorized by resolution of the governing body of such state public body adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted. Exercise of powers.

SEC. 8. **SUPPLEMENTAL NATURE OF ACT.** The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law.

SEC. 9. **SEVERABILITY.** Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the Partial invalidity.

remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Effective
immediately.

SEC. 10. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 2, 1939.

Passed the House February 22, 1939.

Approved by the Governor February 24, 1939.

CHAPTER 25.

[S. S. B. 47.]

OLD AGE ASSISTANCE.

AN ACT relating to old age assistance, prescribing the maximum amount thereof, amending section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, defining the eligibility of persons entitled thereto and the basis for determining the amount of such assistance to be given in individual cases, barring certain claims and judgments as valid claims and judgments against the state and its political subdivisions, and declaring an emergency.

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

Intent.

SECTION 1. DECLARATION OF INTENT. The legislature hereby expressly declares its intent to be that the old age assistance authorized to be granted to individuals by chapters 156 and 180, Laws of 1937, or their antecedent acts, shall not be available to persons as a matter of right but rather that such old age assistance shall be available only to persons who are in need thereof as that term is hereinafter in this act defined. The State of Washington hereby disclaims liability for any and all claims heretofore

filed or entered, or which may hereafter be filed or entered against it, wherein the state is sought to be held for grants of old age assistance to persons or individuals as a matter of right and not upon the basis of need as defined in this act, and no such claim shall ever be recognized as a valid claim against the State of Washington or any political subdivision thereof.

SEC. 2. That section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, (section 9998-4 Remington's Revised Statutes) be amended to read as follows:

Amends
9998-4 Rem.
Rev. Stat.

Section 4. It shall be the duty of the department of social security to provide adequately for those eligible for old age assistance under the provisions of this act. The amount and nature of old age assistance which any such person shall receive, and the manner of providing it, shall be determined by the said department with due regard to the conditions existing in each case; but such assistance together with the applicant's resources as defined in this act shall not exceed the sum of Thirty Dollars (\$30) per month to each recipient: *Provided*, That in the event Federal participation shall be granted in excess of Fifteen Dollars (\$15) a month per recipient, the maximum may be increased to twice the amount that may be recovered for each recipient from Federal sources. The old age assistance may include, among other things, medical and surgical and hospital care and nursing.

Assistance.

Maximum
pension
payment.

SEC. 3. Upon receiving an application for old age assistance, the officer authorized by law to consider and pass upon the same shall within forty-five (45) days, make or cause to be made such investigation as he deems necessary to determine the applicant's eligibility therefor, and render his decision and, if the applicant be found eligible, the amount of assist-

Prompt
action upon
applications.

ance is to be granted in accordance with the uniform standard theretofore established.

Eligibility.

Old age assistance shall be granted only to such persons as are in need. A person shall be considered to be in need within the meaning of this act who does not have resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to sustenance and health.

Resource defined.

“Resources” are hereby defined to be (1) assistance in cash, in kind, or in support given by relatives, friends or organizations, (2) ability of relatives within the classes described in this section to contribute to such support: *Provided*, That where such relative or relatives shall refuse to so contribute such officer may, in his discretion and upon written findings of fact filed by him, determine that ability of a relative or relatives to so contribute shall not constitute a resource sufficient to render the applicant ineligible to assistance and (3) real and tangible personal property (excluding the home, household goods and personal effects of the applicant, and all foodstuffs produced by the applicant for himself and family), insurance policy cash surrender values and loan values (excluding cash surrender values less than \$300 and loan values less than \$100 under insurance policies which have been in effect for more than five years), cash income or cash in hand, bank deposits, savings accounts, postal savings, stocks and bonds, notes, mortgages and all other property of whatsoever nature.

The amount of assistance to be granted in each individual case shall be determined on a budgetary basis, taking into account the need of the applicant and his dependents and the resources of the applicant and of persons responsible for care of the applicant. “Persons responsible for care of the applicant” are hereby declared to be husband or wife, and sons and daughters of legal age residing within the state who

are financially able to contribute to the support of the applicant in whole or in part, the determination of which shall be made by the officer administering old age assistance.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

SEC. 5. If any section or provision of this act be held invalid by a court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid.

Partial invalidity.

Passed the Senate February 24, 1939.

Passed the House February 23, 1939.

Approved by the Governor February 25, 1939.

CHAPTER 26.

[H. B. 8.]

RESIGNATION OR REMOVAL OF EXECUTOR OR ADMINISTRATOR.

AN ACT providing for notice of resignation or removal of executor or administrator and amending section 121 of chapter 156 of the Laws of 1917.

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

SECTION 1. Section 121 of chapter 156 of the Laws of 1917 (section 1491 of Remington's Revised Statutes; section 9842 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 1491 Rem.
Rev. Stat.;
§ 9842 P. C.

Section 121. In case of resignation or removal for any cause of any executor or administrator, and the appointment of another or others, after notice has been given by publication as required by law, by such executor or administrator first appointed, to persons to file their claims against the estate, it shall

Resignation
or removal.

Notice.

be the duty of the judge of the court to cause notice of such resignation or removal and such new appointment to be published two successive weeks in the same newspaper in which the original notice was published, if the publication of such paper is at the time continued, and if not, then in some other newspaper published in the county, or if there be no newspaper published in such county, then in a newspaper published in the state and of general circulation in the county, but the time between the resignation or removal and such publication shall be added to the time within which claims shall be filed as fixed by the published notice to creditors unless such time shall have expired before such resignation or removal.

Passed the House February 2, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor February 27, 1939.

CHAPTER 27.

[H. B. 10.]

EXECUTORS' AND ADMINISTRATORS' BONDS.

AN ACT relating to bonds of executors and administrators and amending section 67 of chapter 156 of the Laws of 1917, and providing for the issuance of letters testamentary or of administration without bond in certain instances.

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

SECTION 1. Section 67 of chapter 156 of the Laws of 1917 (section 1437 of Remington's Revised Statutes; section 9953 of Pierce's Code), is hereby amended to read as follows:

Section 67. Every person to whom letters testamentary or of administration are directed to issue must, before receiving them, execute a bond to the State of Washington, except as hereinafter provided,

Amends
§ 1437 Rem.
Rev. Stat.;
§ 9953 P. C.

Bond
required.

with such surety, or sureties, as the court may judge sufficient, which bond shall be in a sum to be fixed by the court, and which bond must be conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law, and such bond shall be approved by the court. The court may at any time and for any reason require the executor or administrator to give additional bonds, the same to be conditioned and to be approved as above provided; or, the court may allow a reduction of the bond upon proper showing. When the petition for letters testamentary or of administration is made by or upon the written request of the surviving spouse and the court is satisfied from the petition and the evidence introduced at the hearing thereon that the value of the estate does not exceed the exemptions allowed by law to the surviving spouse, the court in its discretion may order that letters testamentary or of administration be issued without bond; and in all other estates where it appears from the petition for letters testamentary or of administration and from the evidence submitted at the hearing thereon that the value of the estate does not exceed Five Hundred Dollars (\$500.00) and that the rights of heirs and creditors will not be jeopardized thereby, the court may order that letters testamentary or of administration be issued without bond.

Passed the House February 23, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor February 27, 1939.

CHAPTER 28.

[H. B. 58.]

DRUG AND MEDICAL PRESCRIPTIONS.

AN ACT relating to the preservation and inspection of drug and medical prescriptions and providing penalties for the violation thereof.

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

Prescriptions
filed.

SECTION 1. Every proprietor or manager of a pharmacy or drug store shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five (5) years the original of every prescription compounded or dispensed at such pharmacy or drug store, numbering, dating and filing them in the order in which they were compounded or dispensed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. Such book or file of original prescriptions shall at all times be open for inspection by the prescriber, the board of pharmacy, or any officer of the law.

Labels.

SEC. 2. To every box, bottle, jar, tube or other container of a prescription which is dispensed there shall be fixed a label bearing the name and address of the pharmacy wherein the prescription is compounded, the corresponding serial number of the prescription, the name of the prescriber, his directions, name of patient, date and initials of the registered pharmacist who has compounded the prescription.

Penalty.

SEC. 3. Any person violating or failing to comply with the requirements of section 1 and section 2 shall be guilty of a misdemeanor.

Passed the House January 25, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor February 27, 1939.

CHAPTER 29.

[H. B. 325.]

REGULATION OF SALE OF DRUGS.

AN ACT to prohibit the sale, gift, barter, exchange or distribution of amytal, luminal, veronal, barbital, acid diethylbarbituric and para-amino-benzene sulfonamide and their derivatives; amending section 1, chapter 6, Laws of 1939; and declaring an emergency.

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

SECTION 1. Section 1 of chapter 6, Laws of 1939, is hereby amended to read as follows:

Amends
§ 1, ch. 6,
Laws 1939.

Section 1. It shall be unlawful for any person, firm or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any of their salts, derivatives, or compounds of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives or compounds, or any registered, trade-marked or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange or distribute para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, prontylin, prontosil, neo prontosil, neo prontylin, edimalin, sulfonamid or any salts, derivatives or compounds thereof or any registered, trade-marked or copyrighted preparation or compound registered in the United States patent office containing said substances, except upon the written order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the State of Washington, and shall not be filled without the written order of the prescriber: *Provided, however,* That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to phar-

Prescrip-
tions.

macies or to physicians, dentists or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons duly licensed to practice in this state.

Effective
immediately.

SEC. 2. This act is necessary for the immediate preservation of the peace, health and safety of the State of Washington and its existing institutions and shall take effect immediately.

Passed the House February 14, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor February 27, 1939.

CHAPTER 30.

[S. B. 13.]

LOCAL IMPROVEMENT GUARANTY FUND.

AN ACT validating tax levies made in any city or town prior to the 14th day of May, 1926, for the creation of a revolving or guaranty fund to guarantee the payment of local improvement bonds or warrants issued within any such city or town prior to said date, and subsequent to the date of any such levies.

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

Tax levy
validated.

SECTION 1. That any tax levy or levies heretofore made by any city or town prior to the 14th day of May, 1926, for the purpose of creating a revolving or local improvement guaranty fund to guarantee the payment of any local improvement warrants or bonds issued by any such city or town subsequent to such levy or levies, whether or not such revolving or guaranty fund was created by ordinance pursuant to statute making it optional whether or not such fund be established, be and hereby is validated; that all defects in the creation of said fund and the levies therefor on account of

the failure to enact an ordinance creating and establishing such fund are hereby cured, and that any funds now held by any city in any such revolving and guaranty fund be held, applied and disbursed as if said fund raised by any irregular tax levies had been validly created as a local improvement guaranty fund at the time of such levy or levies.

Passed the Senate January 26, 1939.

Passed the House February 22, 1939.

Approved by the Governor March 1, 1939.

CHAPTER 31.

[S. B. 43.]

TRADING STAMPS.

AN ACT relating to the use and furnishing of stamps, coupons, tickets, certificates, cards and other similar devices, for or with the sale of goods, wares or merchandise, and amending chapter 134 of the Laws of 1913 (section 8361 of Remington's Revised Statutes).

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

SECTION 1. That section 3 of chapter 134 of the Laws of 1913 (section 8361 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8361 Rem.
Rev. Stat.

Section 3. No person, firm or corporation shall furnish or sell to any other person, firm or corporation to use, in, with, or for the sale of any goods, wares, or merchandise, any such stamps, coupons, tickets, certificates, cards, or other similar devices for use in any town, city or county in this state other than that in which such furnishing or selling shall take place: *Provided, however,* That nothing in this section or act, or in any other statute or ordinance of this state, shall apply to the issuance and direct redemption by a manufacturer of a premium

Restrictions.

coupon, certificate, or similar device, or prevent him or it from issuing and directly redeeming such premium coupon, certificate, or similar device, which, however, shall not be issued, circulated or distributed by retail vendors except when contained in or attached to an original package. The term "manufacturer," as used in this proviso, means any vendor of an article of merchandise which is put up by or for him or it in an original package and which is sold under his or its trade name, brand or mark: *Provided, however,* That no premium coupon, certificate or similar device shall be issued in connection with the sale of eggs and the products thereof, or milk and the products thereof.

Partial
invalidity.

(a) If any section, subsection, clause or phrase of this act, or the act of which this is an amendment, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, or any act of which this act is an amendment. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases by [be] declared unconstitutional.

Passed the Senate February 25, 1939.

Passed the House February 22, 1939.

Approved by the Governor March 1, 1939.

CHAPTER 32.

[S. B. 141.]

INVESTMENT OF TRUST FUNDS.

AN ACT relating to the investment and management of trust funds; amending sections 1 and 3 of chapter 37, Extraordinary Session of 1933, as amended by chapter 11 of the Laws of 1935.

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

SECTION 1. That section 1 of chapter 37 of the Laws of Extraordinary Session 1933, as amended by chapter 11 of the Laws of 1935, be amended to read as follows:

Amends ch.
11, Laws 1935.

Section 1. Notwithstanding the provisions of any other statute of the State of Washington to the contrary, it shall be lawful for the State of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, savings and loan association, or for any bank, trust company or other financial institution, operating under the laws of the State of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest its funds or the moneys in its custody or possession, eligible for investment, in notes or bonds secured by mortgage which the Federal Housing Administrator has insured or has made a commitment to insure in obligations of national mortgage associations, in debentures issued by the Federal Housing Administrator, and in the bonds of the Home Owner's Loan Corporation, a corporation organized under and by virtue of the authority granted in H. R. 5240, designated as the Home Owner's Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933, and in bonds of any other

Authority
granted.

corporation which is or hereafter may be created by the United States, as a governmental agency or instrumentality.

Amends ch.
11, Laws 1935.

SEC. 2. That section 3 of chapter 37 of the Laws of Extraordinary Session 1933, as amended by chapter 11 of the Laws of 1935, be amended to read as follows:

Collateral.

Section 3. Wherever, by statute of this state, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, the bonds and other securities herein made eligible for investment shall also be eligible for such purpose.

Passed the Senate February 3, 1939.

Passed the House February 22, 1939.

Approved by the Governor March 1, 1939.

CHAPTER 33.

[S. B. 142.]

INVESTMENT OF MUTUAL SAVINGS BANK FUNDS.

AN ACT relating to and regulating investments by mutual savings banks and amending section 3a of chapter 74 of the Laws of 1929, as inserted by and contained in section 1, chapter 10, Laws of 1935.

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

Amends
§ 3a, ch. 10,
Laws 1935.

SECTION 1. That section 3a of chapter 74 of the Laws of 1929, as inserted by and contained in chapter 10 of the Laws of 1935, be amended to read as follows:

Section 3a. A mutual savings bank may invest its funds:

(a) In such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance by the Federal Housing Administrator, and may obtain such insurance.

(b) In such loans secured by mortgage on real property as the Federal Housing Administrator insures or makes a commitment to insure, and may obtain such insurance.

(c) In such other loans as are insured or guaranteed in whole or in part by the United States or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the United States, and may obtain such insurance or guarantee.

(d) In capital stock, notes, bonds, debentures or other such obligations of any National Mortgage Association.

No law of this state prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans, advances of credit or purchases made pursuant to the foregoing paragraphs (a), (b), (c), and (d).

Passed the Senate February 3, 1939.

Passed the House February 22, 1939.

Approved by the Governor March 1, 1939.

CHAPTER 34.

[H. B. 81.]

FIRE PROTECTION DISTRICTS.

AN Act relating to the creation, government and maintenance of fire protection districts outside of cities and towns; providing for the levy and collection of taxes and assessments against the lands within the district; authorizing the issuance and disposal of district warrants; repealing chapter 60 of the Laws of 1933, Extraordinary Session; and declaring an emergency.

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

Fire protection districts authorized.

SECTION 1. Fire-protection districts for the protection of life and property from fire in territories outside of incorporated cities and towns are hereby authorized to be established as in this act provided.

Petition for formation.

SEC. 2. For the purpose of the formation of a fire-protection district, a petition designating the boundaries of the proposed district, by metes and bounds, or by describing the lands to be included in the proposed district by United States townships, ranges and legal subdivisions, signed by not less than fifteen per cent (15%) of the qualified registered electors who are resident within the boundaries of such district, and setting forth the object for the creation of such district and alleging that the establishment of such district will be conducive to the public safety, welfare, and convenience, and will be a benefit to the property included therein, shall be filed with the county auditor of the county within which such proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice hereinafter provided for. Such districts shall not include those lands which are required by law to pay forest protection assessment. The county auditor shall, within thirty (30) days, from the date of filing such petition, examine the signatures and certify to the

County Auditor.

sufficiency or insufficiency thereof; and for such purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the boundaries of the proposed district. Such books and records shall be prima facie evidence of the truth of said certificate. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures of qualified registered electors who are resident within the boundaries of such district, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners which shall thereupon by resolution entered upon its minutes, receive the same and fix a day and hour thereof when it will publicly hear said petition.

Petitioner
may not
withdraw
name.

SEC. 3. The hearing on said petition shall be at the regular office of the board of county commissioners and the same shall be held not less than twenty (20) nor more than forty (40) days from the date of receipt of said petition with certificate of sufficiency thereof from the county auditor. The hearing may be completed on the day and hour set therefor or the same may be adjourned from time to time as may be necessary for a determination of said petition, but such adjournment or adjournments shall not extend the time for determining said petition more than sixty (60) days in all from the date of receipt of same by said board of county commissioners.

Hearing.

SEC. 4. A copy of said petition with the names of the petitioners omitted, together with a notice signed by the clerk of said board of county commissioners stating the day, hour and place when and where the hearing on said petition shall take place, shall

Publication.

be published for three (3) consecutive weekly issues of the official paper of the county prior to the day set for said hearing. Said clerk shall also cause a copy of said petition with the names of the petitioners omitted, together with a copy of said notice attached, to be posted for not less than fifteen (15) days prior to the day of said hearing in each of three (3) public places within the boundaries of the proposed district, to be previously designated by him and made a matter of record in the proceedings on said petition.

Lands
excluded.

SEC. 5. At the time and place fixed for the hearing on said petition or at any adjournment thereof as herein provided, the board of county commissioners shall hear said petition and shall receive such evidence as it shall deem material in favor of or opposed to the formation of such district or to the inclusion therein or exclusion therefrom of any lands, but no lands not within the boundaries of the proposed districts as described in said petition, shall be included within the district without a written grant describing the land, executed by all persons having any interest of record therein, and filed in the proceedings on such petition. No land within the boundaries described in the petition shall be excluded from the district.

Authority
of county
commis-
sioner.

SEC. 6. The board of county commissioners shall have full authority to hear said petition and to determine the same and if it finds that the lands or any portion of the same described in said petition, and any lands added thereto by grant of those interested therein, will be benefited thereby and that the formation of the district will be conducive to the public safety, welfare and convenience, it shall by resolution so find; otherwise it shall deny said petition. If the board of county commissioners finds in favor of said petition, it shall designate the name and number of the district, fix the boundaries thereof

and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of the election of its first fire commissioners. Said board shall, prior to the calling of said election, name three (3) resident electors of said district as candidates for election as the first fire commissioners of said district.

SEC. 7. Except as herein otherwise provided, said election shall be, so far as possible, called, noticed, held, conducted and canvassed in the same manner and by the same officials as may now or hereafter be provided by law for a special election in the county to authorize the issuance of bonds for a county purpose, and all such respective officials shall have full authority to do any and all things necessary for the purpose of said election. For the purpose of said election, county voting precincts may be combined or divided and redefined and the territory in the district shall be included in one or more election precincts as may be deemed convenient and the same shall be defined and a polling place for each designated. The notice of said election shall state generally and briefly the purpose thereof, shall give the boundaries of the proposed district, define the election precinct or precincts, designate the polling place for each, mention the names of the candidates for the first fire commissioners of the district, and shall name the day of the election and the hours during which the polls will be open.

SEC. 8. The ballot for said election shall be in such form as may be convenient but shall present the propositions substantially as follows:

.....(insert county name).....County
Fire Protection District No.....(insert number)
.....
.....Yes.....
.....(insert county name).....County

Fire Protection District No..... (insert number).....

..... No.....

and shall specify the names of the candidates nominated for election as the first fire commissioners with appropriate space to vote for the same.

Canvass of returns.

SEC. 9. At, or immediately prior, to, the opening of the polls for said election, a notice shall be posted by one of the election officials, in a conspicuous place at the polls, stating the day, hour, and place, when and where the returns of said election will be canvassed. Such returns shall be canvassed at the court house of said county on the Monday next following the day of said election, but said canvass may be adjourned from time to time when necessary to await the receipt of election returns, unavoidably delayed. The canvassing officials, upon conclusion of the canvass, shall forthwith certify and transmit the results thereof in writing to the board of county commissioners who shall thereupon examine the same.

Majority vote.

SEC. 10. If it is found upon examination of certificate of the canvassing officials that two-thirds of all the votes cast at said election were cast for the proposition "..... County Fire Protection District No..... Yes," the board of county commissioners shall by resolution entered in the minutes of its proceedings, declare such territory duly organized as a fire-protection district under the name theretofore designated and shall declare the three candidates receiving the highest number of votes for fire commissioners the duly elected first fire commissioners of said district.

Organization of district recorded.

SEC. 11. The clerk of said board shall duly certify a copy of said resolution and cause the same to be filed for record in the offices of the county auditor and of the county assessor of said county.

Said certified copy shall be entitled to record in these offices without recording fee.

SEC. 12. If the certificate of the canvassing officials shows that the proposition to organize the proposed fire-protection district failed to receive two-thirds of all the votes cast at said election, the board of county commissioners shall enter a minute to that effect and all proceedings had to create the proposed district shall become nullified and void.

Proceedings
nullified.

SEC. 13. Any person, firm or corporation, having a substantial interest involved, and feeling aggrieved by any finding, determination or resolution of the board of county commissioners made in the proceedings for the organization of a fire-protection district under the provisions of this act, may appeal from the same within five (5) days after the same was made by said board, to the superior court of said county, in the same manner as that heretofore generally provided by law for appeals from the orders and determinations of said board.

Appeal.

SEC. 14. After the expiration of five (5) days from the day of the resolution of the board of county commissioners declaring the district organized and upon the filing of said certified copies of the resolution of the board of county commissioners in the offices of the county auditor and of the county assessor, as aforesaid, the creation of the district shall be complete and its legal existence cannot thereafter be questioned by any person by reason of any defect in the proceedings had for the organization thereof.

Legal status.

SEC. 15. Fire-protection districts created under this act shall be political subdivisions of the state and shall be held and construed to be municipal corporations within the provisions of the laws and Constitution of the State of Washington. Said districts shall not be liable for the torts of their officers, agents and servants. Such a district shall constitute

Municipal
corporation.

a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by law.

Authority.

SEC. 16. Such fire-protection districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, occupy and sell real and personal property, or any interest therein, to enter into and to perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of taxes and special taxes in the manner and subject to the limitations herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this act.

Local improvement districts.

SEC. 17. Such fire-protection districts shall have authority to create local improvement districts to include any or all the lands within the fire-protection district, to provide for the levy and collection of special taxes against the respective lands benefited and to issue evidences of indebtedness chargeable against said lands as in this act provided; and to issue and sell evidences of term indebtedness of the district and to make provision for the payment thereof; but such districts shall have no authority to issue and sell any evidence of indebtedness of any kind or nature with a fixed maturity for a term longer than three (3) years from the date of the issuance and sale thereof.

Eminent domain.

SEC. 18. The taking and damaging of property or rights therein or thereto by any such fire-protection district to carry out any of the purposes of its organization are hereby declared to be for a public use and any such district organized under this act shall have and may exercise the power of eminent

domain to acquire any property or rights therein or thereto either inside or outside the district, for the use of such district. Any such district exercising the power of eminent domain shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations.

SEC. 19. Such fire-protection district may, at its option, unite in a single action proceedings to condemn for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated, upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for each tract of land in different ownership. No finding of the jury nor decree of the court as to damages in any condemnation proceeding instituted by the district shall in any manner be held or construed to abridge or destroy the right of the district to levy and collect taxes for any and all district purposes against the uncondemned land situated within the district. The title acquired by a fire-protection district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation.

Consolidation of actions.

SEC. 20. Any fire-protection district organized under this act shall have authority

Authority:

(1) To lease, own, maintain, operate and provide fire engines and all other necessary or proper apparatus, instrumentalities, machinery and equipment for the prevention and extinguishment of fires;

To maintain fire extinguishing apparatus.

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suitable and convenient for housing, repairing and caring for fire-fighting equipment;

To lease property.

(3) To enter into contract with any incorporated city or town whereby such city or town shall

To contract.

furnish fire-prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine;

(4) To do all things and perform all acts not otherwise prohibited by law.

Liability.

SEC. 21. No fire-protection district shall be liable under any contract creating an obligation chargeable against the lands of any local improvement district therein, unless such liability and the extent thereof is specifically stated in such contract.

Fire Commissioners.

SEC. 22. The affairs of the district shall be managed by a board of fire commissioners composed of three (3) qualified resident electors of the district. The members of the board of fire commissioners shall receive no compensation for their services rendered the district, but shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business. The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The first fire commissioners of the district shall serve until after the next general election for the selection of district fire commissioners and until their successors have been elected or appointed and have qualified as provided by law.

Term of office.

SEC. 23. Except as herein otherwise provided, the term of fire commissioner shall be six (6) years from and after the second Monday in January next succeeding his election. At the next general election, fire commissioners of the district shall be elected. Such elections shall be called, noticed, conducted, canvassed, and certificates of election issued by the same officials as for general elections for selection of county officials.

Election.

Polling place.

SEC. 24. The polling places for such district elections shall be those of the county voting precincts

which include any of the territory within the fire-prevention districts, and may be located outside the boundaries of the district and no such election shall be held to be irregular or void on that account.

SEC. 25. Not later than fifteen (15) days prior to the day of election any resident elector of the district, desiring to become a candidate for office of fire commissioner, shall file with the county auditor of his county a statement of his candidacy in the same manner as provided for the selection of candidates for county office. Such resident electors so filing shall be entitled to have their names appear as candidates on the ballot for said election. Candidates.

SEC. 26. In case of vacancy occurring in the office of fire commissioner, such vacancy shall be filled by appointment of a resident elector of the district by the board of county commissioners and the person appointed shall serve until his successor has been elected or appointed and has qualified. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner as herein provided, after the filling of any vacancy in such office as aforesaid, there shall be elected a fire commissioner to serve for the remainder of the unexpired term. Vacancy.

SEC. 27. At the time of the next general election occurring thirty (30) or more days after the creation of the district, three (3) members of the board of fire commissioners shall be elected. The candidate receiving the highest number of votes shall serve for a term of six (6) years beginning on the second Monday in January following, the candidate receiving the next highest number of votes shall serve for a term of four (4) years, as aforesaid, and the candidate receiving the next highest number of votes shall serve for a term of two (2) years, as aforesaid. It is the intent of the law that the term of one fire commissioner only shall expire bienni- General election.

ally and that this relationship be preserved so far as legally possible.

Special election.

SEC. 28. Special elections submitting propositions to the electors of the district may be called at any time upon resolution of the board of district fire commissioners, and shall be called, noticed, held, conducted and canvassed in the same manner and by the same officials as provided herein for the election to determine whether the district shall be created. The qualifications for electors at all district elections shall be the same as for elections at general state and county elections.

Oath of office.

SEC. 29. Each fire commissioner before beginning the duties of his office shall take and subscribe an official oath for the faithful discharge of the duties of his office, which oath shall be filed in the office of the clerk of the superior court in the county where the district is situated.

Board.

SEC. 30. The fire commissioners shall organize as a board and shall elect a chairman from their number and shall appoint a secretary of the district for such term as they shall by resolution determine. The secretary of the district shall keep a record of the proceedings of the board and shall perform such other duties as shall be prescribed by the board or by law, and shall take and subscribe an official oath similar to that taken and subscribed by the fire commissioners which oath shall be filed in the same office as that of the commissioners.

Office.

SEC. 31. The office of the fire commissioners and principal place of business of the district shall be at some place in the district, to be designated by the board of fire commissioners. The board shall hold regular monthly meetings at their office on such day as they, by resolution previously adopted, shall determine, and may adjourn such meetings as may be required for the proper transaction of

Meetings.

business. Special meetings of the board may be called at any time by a majority of the commissioners or by the secretary and the chairman of the board. Any fire commissioner not joining in the call of a special meeting shall be entitled to a three (3) days' written notice by mail of the same, specifying generally the business proposed to be transacted at said special meeting, but when at any special meeting of the board all members are present, lack of previous notice thereof shall not invalidate the proceedings.

Special meetings.

SEC. 32. All meetings of the fire commissioners shall be public and a majority shall constitute a quorum for the transaction of business. All records of the board shall be open to the inspection of any elector of the district at any meeting of the board. The board shall have the power and it shall be its duty to adopt a seal of the district, to manage and conduct the business affairs of the district, to make and execute all necessary contracts, to employ any necessary service and to establish and promulgate reasonable rules and regulations for the government of the district and for the performance of its functions and generally to perform all such acts as may be necessary fully to carry out the objects of the creation of the district.

Meetings and records public.

Seal.

Rules and regulations.

SEC. 33. It shall be the duty of the county treasurer of the county in which any fire district created under this act is situated to receive and disburse all district revenues, to collect all taxes and assessments authorized and levied under this act, and to credit all district revenues to the proper fund.

County treasurer.

SEC. 34. There are hereby created in said county treasurer's office of each county in which a fire protection district shall be organized for the use of the district the following funds: (1) Expense fund; (2) Coupon Warrant Fund; (3) Contract Fund, and

Fund created.

(4) Local Improvement District No.....Fund. All taxes levied for administrative, operative and maintenance purposes, when collected, shall be placed by the county treasurer in the expense fund of the district; all taxes levied for the payment of coupon warrants and interest thereon, when collected, shall be placed by the county treasurer in the coupon warrant fund of the district; all taxes levied for the purchase of fire-fighting equipment, apparatus, and for the housing thereof, proceeds from the sale of coupon warrants, and the transfer of any surplus in the expense fund, shall be placed by the county treasurer in the contract fund of the district; all special taxes levied against the lands in any improvement district within the fire-protection district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

Budget.

SEC. 35. Annually after the county board of equalization has equalized the assessments for general tax purposes in that year, the secretary of the district shall prepare a budget of the requirements of each district fund, certify the same and deliver it to the board of county commissioners in ample time for it to make tax levies for the purposes of the district.

Tax levy.

SEC. 36. At the time of making general tax levies in each year the board of county commissioners shall make the required levies for district purposes against the real and personal property in the district in accordance with the equalized valuations thereof for general tax purposes and as a part of said general taxes. Such tax levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

Warrants.

SEC. 37. The county treasurer shall pay out money received for the account of the district upon

warrants issued by the county auditor against the proper funds of the district. Said warrants shall be issued on vouchers approved and signed by a majority of the district board and by the secretary thereof. The county treasurer shall also be authorized to pay coupon warrants and the accrued interest thereon in accordance with their terms out of the the coupon warrant fund upon presentation of such warrants or interest coupons thereof. The county treasurer shall report in writing monthly to the secretary of the district the amount of money held by him in each fund and the amounts of receipts and disbursements for each fund during the preceding month.

SEC. 38. The board of fire commissioners of the district shall have authority to contract indebtedness and evidence the same by the issuance and sale at par plus accrued interest not exceeding six per cent (6%) per annum of coupon warrants of the district in such form as the board shall determine. Such warrants shall be payable at such time or times as the board shall provide not longer than three (3) years from the date thereof. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semi-annually on the first day of January and of July, and the issuance thereof shall be recorded in the office of the county treasurer in a book kept for that purpose. All outstanding district warrants of every kind shall outlaw and become void after six (6) years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

Board may
contract
indebtedness.

Coupon
warrants.

Outlawed
after six
years.

SEC. 39. The board of fire commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes except as herein specifically provided, and the annual levy for general district pur-

Debt
limitation.

poses exclusive of levies for local improvement districts shall not exceed two (2) mills.

Lands specifically benefited.

Petition for local improvement district.

SEC. 40. In any instance where the acquisition, maintenance and operation of fire-fighting equipment, apparatus and instrumentalities necessary therefor are of special benefit to part of the lands in the fire-prevention district, the board of fire commissioners shall have authority to include such lands in a local improvement district. For the purpose of creating such a local improvement district, there shall be filed with said district board a petition signed by the owners of a majority of the acreage of lands to be included within the local improvement district. Said petition shall set forth generally the necessity for the creation of a local improvement district, outline the plan of fire protection to be accomplished, and the means by which the cost of the same shall be financed. Upon receipt of said petition, said district board shall at its next regular meeting examine the same. The assessed owners of said lands as shown on the general tax roll in the county treasurer's office, last equalized, shall be *prima facie* evidence of the ownership of the lands to be included in said local improvement district. If said petition is found sufficient, said district board shall proceed to consider the same and to determine whether such a local improvement appears feasible and of special benefit to the lands concerned.

Notice of hearing.

SEC. 41. If said petition is found insufficient or if said district board shall determine that such a local improvement district is unfeasible or of no special benefit to the lands concerned, it shall dismiss said petition. If said district board shall approve said petition, it shall fix a day, hour and place for hearing the same and shall publish notice of said hearing in a newspaper of general circulation in the county, to be selected by said board, for

three (3) consecutive weekly issues thereof published prior to the day of said hearing. The cost of said publication shall be advanced or paid in advance by the petitioners. Such notice shall describe the boundaries of the proposed local improvement district, shall state that the lands within said boundaries are proposed to be included within a local improvement district, shall mention the plan of fire protection proposed and the means by which the cost of the same shall be financed, shall state the day, hour and place of hearing on said petition and shall be signed by the secretary of the fire protection district.

SEC. 42. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed local improvement district or the plan of fire protection to be accomplished or means of financing the same. Said board shall have full authority to determine the matter, shall exclude any land which in its judgment will not be specially benefited and shall modify or adopt the plan of fire protection to be accomplished or the means of financing the same, and shall adopt a resolution setting forth its determination of the petition and of all phases of the same. If the decision of said board is in favor of said petition with such modifications, if any, as the board shall determine, a copy of said resolution certified by the secretary of the district shall be filed for record in the office of the county auditor and of the county assessor of said county.

SEC. 43. The costs of the plan of fire protection adopted for the formation of said local improvement district shall be paid in accordance with the means specified in the resolution of the district board and shall be paid by annual levies of special *ad valorem* taxes, which shall in no event exceed five (5) in

number, exclusively against the lands included within such local improvement district on their equalized valuations for general tax purposes. Said annual amounts necessary for this purpose shall be included in the annual budget prepared and delivered by the secretary of the district to the board of county commissioners, as herein provided, and shall be levied against the lands in the local improvement district only and when collected shall be credited to the local improvement fund of said local improvement district.

Vouchers.

SEC. 44. In accordance with the means of financing said local improvement district adopted by the district board, said board shall have authority to draw vouchers for the issuance of warrants to the aggregate amount of the equalized current tax roll including special taxes for said local improvement district against the local improvement fund of the district.

Coupon warrants.

SEC. 45. Said district board shall also have authority, if in accordance with the adopted means of financing said local improvement district, to issue and sell at par and accrued interest not exceeding six per cent (6%) annually coupon warrants payable within three (3) years from the date thereof exclusively from the local improvement fund of the district. Such coupon warrants shall be payable with semi-annual interest to bearer and shall be in such form as the board shall determine and shall state on their face that they are payable exclusively from the local improvement fund of the district and shall be registered in the county treasurer's office, as provided herein for the registry of general coupon warrants of the district. Interest coupons thereon shall be payable on the first day of January and of July.

Dissolution of district.

SEC. 46. Fire-protection districts may be dissolved upon a majority vote of the electors at an

election for that purpose called, noticed, conducted and canvassed in the manner provided in the act for special elections and no further district obligations thereafter shall be incurred, but said election shall not abridge or cancel any of the outstanding obligations of said district or of any local improvement district therein, and the county board shall have authority to make annual levies against said lands until their respective obligations under the districts are fully paid. When the obligations are fully paid, all moneys in any of the funds of the district and all collections of unpaid district taxes shall be transferred to the expense fund of the county.

SEC. 47. USE OF APPARATUS IN FIGHTING FIRES. Whenever a fire occurs within the limits of any county fire-protection district and is of such proportions that it cannot be adequately extinguished or handled by the fire department of such district, or whenever a fire occurs in any unincorporated territory of a county not included within a county fire-protection district, the apparatus, equipment and fire-fighting force of any county fire-protection district within said county may be used for the purpose of extinguishing such fire in such other county fire-protection district, or in such unincorporated portion of the country [county]: *Provided*, That in either case there shall be paid from the general fund of the county into the fund of the district furnishing such services, the reasonable value of the use and the repairs and depreciation upon said apparatus and equipment, and such other expenses as are reasonably incurred in furnishing such fire-fighting services: *Provided further*, That the equipment of a fire-protection district may be used within any city or village which joins the fire protection district upon proper and reasonable payment of the cost of the services rendered by such protection district, to be fixed by agreement between the fire commis-

Use of
apparatus.

sioners and the board of trustees or council of such village or city.

Districts
established
under
former law.

SEC. 48. Any fire-protection district established and existing under the provisions of chapter 60 of the Laws of 1933, Extraordinary Session, may be made to conform to the provisions of this act by preparing, certifying and delivering its annual assessment roll to the board of county commissioners on and after November 1, 1939, in ample time for it to make tax levies for the purpose of the district, and holding its biennial election of the fire commissioners as herein provided.

Petition
drawn under
prior act.

SEC. 49. Any petition heretofore drawn, signed and filed with the county auditor in compliance with the provisions of section 1 to section 6, inclusive, of the Laws of 1933, Extraordinary Session, shall be valid and the various steps required by this act for the creation of a fire-protection district may be continued, if the further steps to be taken are begun within ninety (90) days after the taking effect of this act, and it shall not be necessary to prepare, sign and file with the county auditor a new petition, and any district so created shall not be invalid by reason of the failure to draw, sign and file a new petition under the provisions of this act.

Repeals ch.
60, Laws 1933,
Ex. Sess.

SEC. 50. Chapter 60 of the Laws of 1933, Extraordinary Session is hereby repealed.

Partial
invalidity.

SEC. 51. The provisions of this act and proceedings thereunder shall be liberally construed with a view to effect their objects. If any section or provision 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 to be invalid or unconstitutional.

Effective
immediately.

SEC. 52. This 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.

Passed the House February 23, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor March 1, 1939.

CHAPTER 35.

[H. B. 123.]

PARKING OF MOTOR VEHICLES ON CITY STREETS.

AN Act relating to public highways and motor vehicles; providing for the parking of motor vehicles within incorporated cities and towns; amending section 108 of chapter 189, Session Laws of 1937.

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

SECTION 1. That section 108 of chapter 189, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends
§ 108, ch. 189,
Laws 1937.

Section 108. Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb. Angle parking shall not be permitted upon the city or town streets designated as forming a part of the route of a primary state highway through any city or town: *Provided*, That angle parking shall be permitted in cities of the third and fourth class where solely provided by local ordinance upon any city street designated as forming a part of the route of a primary state highway through such city or town where such street does not connect at either end with any four lane primary highway and where such street has a minimum width between curbs of seventy (70) feet and there shall be provided be-

Parallel
parking.

tween the main traveled and hard-surfaced portion of such city or town street and the curb, an angle parking area designated as such having a width of not less than twenty (20) feet. No person shall be granted the right, use or franchise for vehicle parking of any portion of the surface area of any public highway to the exclusion of any other like person.

Passed the House February 23, 1939.

Passed the Senate February 22, 1939.

Approved by the Governor March 3, 1939.

CHAPTER 36.

[H. B. 37.]

PARK DISTRICT TAX LEVY.

AN ACT relating to metropolitan park districts and amending section 6724, Remington's Revised Statutes of Washington. (Section 5, chapter 98, Session Laws of 1907 as amended by chapter 97 of Session Laws of Extraordinary Session of 1925).

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

SECTION 1. That section 6724 of Remington's Revised Statutes (section 5 of chapter 98, Session Laws of 1907 as amended by chapter 97 of the Session Laws of the Extraordinary Session of 1925) be amended to read as follows:

Section 6724. TAX LEVY—LIMIT OF—COLLECTION. Said board of park commissioners are hereby authorized to levy, or cause to be levied, a general tax on all the property located in said park district each year, not to exceed two and one-half (2½) mills on the assessed valuation of the property in such park district. Said taxes when so levied shall be certified to the proper county officials for collection the same as other general taxes. When such money is collected it shall be placed in a separate fund, to be known as the "Metropolitan Park District Fund,"

Amends
§ 6724, Rem.
Rev. Stat.

Tax levy.

and paid out on warrants issued on the board of park commissioners for the purpose specified in this act: *Provided*, That not less than one-third of the funds so raised shall be used and expended annually exclusively for the acquisition, improvement, maintenance and supervision of public playgrounds.

Passed the House March 1, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 37.

[H. B. 131.]

ASSESSMENT IN CITIES AND OTHER TAXING DISTRICTS.

AN ACT relating to assessment in cities and other taxing districts; requiring the making and filing of certified budget or estimates with clerk of board of county commissioners; and amending section 11236, Remington's Revised Statutes of Washington (section 1, chapter 138, Session Laws of 1909, as amended by section 75, chapter 130 of the Laws of Extraordinary Session of 1925).

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

SECTION 1. That section 11236 of Remington's Revised Statutes (section 1, chapter 138, Session Laws of 1909, as amended by section 75, chapter 130, of the Laws of Extraordinary Session of 1925) be amended to read as follows:

Section 11236. ASSESSMENT IN CITIES AND OTHER TAXING DISTRICTS—REQUIRING THE MAKING AND FILING OF CERTIFIED BUDGET OR ESTIMATES WITH CLERK OF BOARD OF COUNTY COMMISSIONERS. It shall be the duty of the city council or other governing body of cities of the first class, except cities having a population of three hundred thousand or more, the city councils or other governing bodies of cities of the second or third class, the board of directors of school districts of the first class, commissioners of port dis-

Amends
§ 11236, Rem.
Rev. Stat.

Estimates for
assessments.

tricts, commissioners of metropolitan park districts, and of all officials or boards of taxing districts within or coextensive with any county, except school districts of the second or third class, required by law to certify to boards of county commissioners, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chairman and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the board of county commissioners on or before the Wednesday next following the first Monday in October in each year.

Passed the House February 21, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 38.

[H. B. 134.]

DEBT LIMITATION OF PARK DISTRICTS.

AN ACT relating to metropolitan park districts and amending section 6725, Remington's Revised Statutes of Washington (section 6, chapter 98, Session Laws of 1907, as amended by chapter 268 of Session Laws of 1927).

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

SECTION 1. That section 6725 of Remington's Revised Statutes of Washington (section 6, chapter 98, Session Laws of 1907, as amended by chapter 268 of Session Laws of 1927) be amended to read as follows:

Section 6725. LIMIT OF INDEBTEDNESS. Each and every metropolitan park district heretofore or hereafter organized pursuant to this chapter is hereby authorized and empowered, by and through its board of commissioners, to contract indebtedness for

Amends
§ 6725 Rem.
Rev. Stat.

Debt
limitation.

park, boulevard, parkway, aviation landings and playground purposes, and the extension and maintenance thereof, not exceeding three-twentieths (3/20ths) of one per cent of the taxable property in such metropolitan park district to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

Passed the House February 21, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 39.

[H. B. 25.]

RELIEF OF VETERANS.

AN ACT relating to the relief of soldiers, sailors and marines of the disabled American veterans and their families; and making appropriation therefor.

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

SECTION 1. There is hereby appropriated from the general fund of the State of Washington the sum of Five Thousand Dollars (\$5,000) to be turned over to the Disabled American Veterans of the World War organization for the maintenance of the rehabilitation service to assist war veterans in the prosecution of their equitable claims for compensation on the basis of disabilities of service origin.

Appropriation.

SEC. 2. That no elective or appointed officer of said veterans' organization or department officer shall receive any compensation and that no financial aid shall be allowed for the operation of their department office. All funds herein appropriated must be expended for rehabilitation work only.

Passed the House March 2, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 40.

[S. H. B. 29.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to public school employees' retirement system, including all non-certificated employees within such system, and amending chapter 221 of the Laws of 1937 by adding thereto a new section to be known as section 4b.

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

Adds § 4b,
ch. 221,
Laws 1937.

SECTION 1. That chapter 221 of the Laws of 1937 be amended by adding a new section thereto to be known as section 4b, as follows:

Provisions of
act extended.

Section 4b. The provisions of this act are hereby extended to include all non-certificated employees of the public schools of the State of Washington. Non-certificated employees shall mean all those employees in the public schools of the state holding positions not requiring a teaching certificate for such position. All such employees shall become members of the retirement system on the effective date of this act and shall have until July 1, 1939, to file with the board of trustees of the retirement system a declaration of exemption from such membership. A non-certificated employee shall be entitled to prior service credit on the same basis as a class C teacher who was eligible under a local fund or the former state fund, as provided in paragraph (4), subdivision (b), of section 6; and before such member shall be entitled to retire on a retirement allowance he shall comply with the same requirements as provided in the act for class C teachers, excepting the requirements in respect to the character of the service rendered: *Provided*, That such a non-certificated employee employed on a per diem or part-time basis may hold membership at his option: *Provided, further*, That no non-certificated employee

shall retire on a retirement allowance prior to July 1, 1940.

Passed the House February 21, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 41.

[H. B. 91.]

EXTRA-HAZARDOUS EMPLOYMENT.

AN Act relating to extra-hazardous employment and to the compensation and remedies of workmen injured therein, and of their dependents and beneficiaries in case of death, and to the medical aid of workmen injured and safety of workmen engaged in such employments; amending section 7674 of Remington's Revised Statutes of Washington, as amended by section 1, chapter 211, Laws of 1937; and section 7675 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 7674 of Remington's Revised Statutes of Washington, as amended by section 1, chapter 211, Laws of 1937, be amended to read as follows:

Section 7674. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra-hazardous" wherever used in this act, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gasworks,

Amends
§ 7674, Rem.
Rev. Stat.

Extra-
hazardous
employment.

waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire car driving; restaurants and establishments except private boarding houses, serving food to the public for consumption on the premises; bunk houses, kitchens and eating houses in connection with extra-hazardous occupations or conducted primarily for employees in extra-hazardous occupations; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra-hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 7676: *Provided, however,* The following operations shall not be deemed extra-hazardous within the meaning, or be included in the enumeration of this section, to-wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines, in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk

Operations
excluded.

shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores.

The Director of Labor and Industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion or upon the application of any party interested, to declare any occupation or work to be extra-hazardous and to be under this act. The Director of Labor and Industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten (10) days before the hearing in at least one (1) daily newspaper of general circulation, published and circulated in each city of the first-class of this state. No defect or inaccuracy, in such notice or in the publication thereof, shall invalidate any order issued by the Director of Labor and Industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the Director of Labor and Industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 7697 of Remington's Revised Statutes, and not otherwise.

Director,
power to
declare occu-
pation extra-
hazardous.

SEC. 2. That section 7675 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 7675, Rem.
Rev. Stat.

Section 7675. In the sense of this act words employed mean as here stated, to-wit:

Definitions:

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern, except when otherwise expressly stated.

Factories.

- Workshop.** Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control, except when otherwise expressly stated.
- Mill.** Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers, except when otherwise expressly stated.
- Mines.** Mines mean any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.
- Quarry.** Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes.
- Engineering work.** Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.
- Employer.** Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives

of a deceased employer, all while engaged in this state in any extra-hazardous work, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen, in extra-hazardous work.

Workman means every person in this state, who Workman. is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however,* That if the injury to a workman is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case: *Provided, however,* That no action may be brought against any employer or any workman under this act as a third person if at the time of the accident such employer or such workman was in the course of any extra-hazardous employment under this act. Any such cause of action assigned to the state may be prosecuted or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Any individual employer or any member or officer of any corporate employer who shall be carried

upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the Director of Labor and Industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

Dependent. Dependent means any of the following named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of eighteen years, viz: Invalid child, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the Director of Labor and Industries proof satisfactory to the Director of Labor and Industries of the nature, amount and extent of the contribution made by such deceased workman.

Beneficiary. Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid. Invalid means one who is physically or mentally incapacitated from earning.

Child. The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted

prior to the injury and an illegitimate child legitimated prior to the injury.

The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom. Injury.

The term "educational standard" shall mean such standards as the Supervisor of Safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards. Educational standard.

Passed the House February 14, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 42.

[H. B. 104.]

INSANE PERSONS.

AN ACT amending section 6 of chapter 81 of the Laws of 1915, the same being section 6949 of Remington's Revised Statutes (section 2820, Pierce's Code), to provide for commitment and transfer of veterans to certain veterans' administration facilities.

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

SECTION 1. That section 6 of chapter 81 of the Laws of 1915, the same being section 6949 of Remington's Revised Statutes (section 2820, Pierce's Code), be and the same hereby is amended to read as follows:

Section 6. Persons found to be insane by the superior courts of the respective counties shall be committed to the respective hospitals for the insane as follows: From the counties of Grays Harbor, Amends § 6949, Rem. Rev. Stat., § 2820 P. C.
Hospitals.

Clarke, Cowlitz, Lewis, Mason, Pacific, Pierce, Thurston, Wahkiakum, Kittitas and Yakima to the Western State Hospital at Fort Steilacoom in Pierce county; from the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman to the Eastern State Hospital at Medical Lake in Spokane county; and from the counties of Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish and Whatcom, to the Northern State Hospital at Sedro-Woolley in Skagit county: *Provided*, That if it shall be made to appear to the satisfaction of the judge ordering the commitment, upon the application of relatives or friends of such insane person or by the recommendation of the examining physician, that by reason of climatic conditions or the nature of the insanity of such person it would be to his interest to be committed to another hospital and that such other hospital has room and accommodations for receiving and caring for such person, the judge may commit such person to one of the other hospitals: *And, provided further*, That whenever the Director of Department of Finance, Budget and Business shall certify to the superior court of any county that the hospital above specified to receive insane persons committed from that county is for the time being unable to care for additional patients, and shall designate one of the other hospitals, the judge of such court shall, until further advised by the state board of control, commit patients to such other hospital: *And, provided further*, That nothing in this section or in any commitment shall be construed as preventing the Director of Department of Finance, Budget and Business from, upon the recommendation of the superintendent of any hospital, transferring a patient in such hospital to another hospital when it shall ap-

Transfer of
patients.

pear that the interest of the state or of such patient demands such transfer, and in the case of any such transfer the superintendent of the hospital from which the transfer is made shall immediately certify the fact and the reasons therefor to the clerk of the court which committed such patient and shall notify the next of kin or the next friend of such patient of the transfer: *And, provided further,* That whenever it appears that any person found to be insane by the superior courts of the respective counties of the State of Washington is a veteran eligible for treatment in a United States veterans' facility, and that commitment is necessary for the proper care and treatment of such veteran, the court of the county in which such veteran is found, may, upon receipt of a certificate of eligibility from the veterans administration, direct such veteran's commitment for hospitalization to a United States veterans' facility, and the manager of such facility shall be vested with the same powers exercised by superintendents of the state hospitals described in this section with reference to the retention, transfer or parole of such veterans so committed: *And, provided further,* That the superintendents of the state hospitals described in this section and/or the board of control shall be authorized to transfer any such veteran under their charge who is or may be eligible to hospitalization in a veterans' administration facility to such veterans' administration facility, and thereafter the manager of such facility shall be vested with such powers as are conferred upon the superintendent of a state hospital under the terms of this section with reference to retention, transfer or parole of such veteran.

Veterans.

Passed the House March 2, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 43.

[H. B. 110.]

NURSERY STOCK.

AN ACT relating to nursery stock and amending section 2 of chapter 148 of the Laws of 1937 (section 2858, Remington's Revised Statutes), and repealing section 2859, Remington's Revised Statutes.

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

Amends
§ 2858, Rem.
Rev. Stat.

SECTION 1. That section 20 of chapter 166 of the Laws of 1915, as amended by section 7 of chapter 37 of the Laws of 1923, and section 8 of chapter 311 of the Laws of 1927, and section 2 of chapter 148 of the Laws of 1937 (section 2858 of Remington's Revised Statutes), be amended to read as follows:

License
required.

Section 20. It shall be unlawful for any person, firm or corporation to sell, deal in or import into this state for sale or distribution any nursery stock, or to act as agent for any nurseryman or dealer in nursery stock, without first having obtained from the Director of Agriculture and having in force a license so to do for each place of business, and it shall be unlawful for any person to falsely represent that he is the agent or representative of any nurseryman or dealer in nursery stock. No license shall issue until the applicant therefor shall have paid the fee, as in this act required. The license fee shall be five dollars for nurserymen who grow all of the stock they sell and fifteen dollars for other nurserymen, dealers, brokers, landscape architects or other persons deriving financial benefit from the sale of nursery stock, and one dollar for agents. Except that the Director of Agriculture may enter into reciprocal agreements with other states, under which nursery stock owned by licensed nurserymen or licensed nursery dealers of such states may be sold or delivered in the State of Washington without payment of a license fee: *Provided*, That like privileges

are accorded in such other states to licensed nurserymen of the State of Washington. All licenses shall be in the name of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent licensed, and no license shall be issued to any agent unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. All moneys collected under the provisions of this act shall be paid into the special fund which is hereby established in the state treasury to be known as the Nursery Inspection Fund which shall be used exclusively for necessary expenses under the act. The State Auditor may anticipate the receipts and issue warrants in any amount not exceeding three thousand dollars (\$3,000.00).

SEC. 2. Section 2859 of Remington's Revised Statutes is hereby repealed.

Repeals
§ 2859, Rem.
Rev. Stat.

Passed the House February 7, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 44.

[S. B. 50.]

INSPECTION OF BAKERIES.

AN ACT relating to inspection of bakeries, and amending section 8 of chapter 137 of the Laws of 1937.

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

SECTION 1. Section 8 of chapter 137 of the Laws of 1937 (section 6284-8 of Remington's Revised Statutes; section 258-58 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 6284-8, Rem.
Rev. Stat.;
§ 258-58 P. C.

Inspection.

Section 8. The State Director of Agriculture shall cause to be made periodically a thorough inspection of each licensed bakery to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state relating to bakeries or bakery products and all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a bakery or distributor licensed under this act in transporting or distributing any bakery products within this state. The director shall employ no person as inspector who is a member or employee of a bakery or bakery operators' association or who is interested in any bakery or such association.

Passed the Senate March 2, 1939.

Passed the House February 24, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 45.

[S. B. 88.]

PORT DISTRICTS.

AN ACT relating to port districts in counties of the first class, authorizing the establishment, acquisition, improvement and development of industrial development districts therein, providing for the sale and lease of property within such industrial development districts, and providing penalties for the violation of this act.

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

Industrial
development
districts.

SECTION 1. The port commission of any port district in any county of the first class may after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, create industrial development districts within such port dis-

tract and define the boundaries thereof: *Provided*, Such port commission shall after such hearing determine that the creation of such industrial development district is proper and desirable in establishing and developing a system of harbor improvements and development in such port district.

SEC. 2. Any lands situate within any such industrial development district heretofore acquired or which may hereafter be acquired by the county wherein such port district is situated through foreclosure of tax liens may by majority vote of the county commissioners of such county, if they deem such lands to be chiefly valuable for industrial development purposes, be conveyed by the county to the port district. Such lands shall be held in trust by the port district and administered, improved, developed, leased and/or sold under the provisions of this act or any amendment thereof. Any moneys derived from the lease or sale of such lands shall be distributed as follows:

County
lands.

(a) The expense incurred by the port district for the administration, improvement and development of said lands shall be returned to the general fund of the port district.

(b) Any balance remaining shall be paid to the county in which the lands are located, to be paid, distributed and prorated to the various funds in the same manner as general taxes are paid and distributed during the year of such payment.

SEC. 3. With the approval of a majority of the board of county commissioners of the county in which such land is located, any land within such industrial development district held in private ownership and deemed by the port commission of such port district to be valuable for industrial development purposes may be deeded to and accepted by the port district, subject to delinquent general taxes thereon, and upon the recording of the deed of conveyance

Private
owned lands.

thereof to the port district and the giving of notice thereof to the board of county commissioners, the board of county commissioners shall thereupon order the said delinquent and unpaid general taxes to be cancelled and the county treasurer shall thereupon make a record of such cancellation on the records of his office and said property shall be removed from the tax rolls. Thereafter said lands shall be held in trust and administered, developed, improved, leased and/or sold and the proceeds thereof disposed of in accordance with the provisions of section 2 of this act.

Discharge of trust.

SEC. 4. The port district may acquire any of said lands held by it in trust as provided in sections 2 and 3 hereof, discharged and free from said trust, by paying to the county treasurer the amount of the delinquent and unpaid general taxes at the time said lands were acquired by the county through foreclosure of tax liens or the amount of the delinquent and unpaid taxes at the time said lands were conveyed to the port district subject to the delinquent general taxes with the approval of the board of county commissioners of the county pursuant to the provisions of sections 2 and 3, respectively, of this act.

Comprehensive scheme of harbor improvement.

SEC. 5. No expenditure for improvement or development of such industrial development district, other than the necessary costs and expenses of formulating, preparing and submitting a plan of improvement and development thereof, shall be authorized or undertaken by the port district, and no land or property not already owned therein shall be acquired except in the manner hereinbefore provided in sections 2 and 3 of this act, unless and until the same has been made a part of the comprehensive scheme of harbor improvement of such port district in the manner provided by law.

SEC. 6. All port districts wherein industrial development districts have been established are hereby authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all land, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district shall have been created; to develop and improve the lands within such industrial improvement district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade and protect such property; to provide, maintain and operate water, light, power and fire protection facilities and services, streets, roads, highways, waterways, tracks and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district, to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law

Eminent domain.

Local improvement districts.

upon port districts in counties of the first class: *Provided*, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the State of Washington for the exercise of such powers by port districts under the general laws relating thereto in so far as the same shall not be inconsistent with this act.

Eminent
domain
exemptions.

SEC. 7. The power of eminent domain granted under the provisions of this act shall not be exercised with respect to any property theretofore sold by the port district pursuant to the provisions of this act; no tract or parcel of property in single, undivided or common ownership, public or private, shall be taken by eminent domain proceedings under the provisions of this act if the owner or owners thereof, or his or their predecessors in interest, shall have prudently invested the sum of \$25,000 or more in the improvement of said tract or parcel of property prior to the approval of the improvement and development of such industrial development district by the adoption of a comprehensive scheme of harbor improvement or an amendment thereto in the manner provided by law. The question of the amount prudently invested in improvements for the purposes of this section shall be a judicial question to be determined at the same time and manner as the question of public use is determined in eminent domain proceedings.

Title to
property.

SEC. 8. Title to any property acquired by a port district pursuant to sections 2 and 3 of this act shall at the end of ten years from the date of acquisition thereof revert to the county wherein said port district is situate, to be held and disposed of by the county in like manner as lands acquired upon tax foreclosure proceedings, and upon demand of the board of county commissioners the port commission shall execute a conveyance thereof to the county:

Provided, This section shall have no application if the port commission and voters of said port district shall have theretofore adopted a comprehensive scheme of harbor improvement which provides for the improvement and development of an industrial development district which includes such lands within its boundaries, or such port district shall have theretofore acquired said lands free and discharged from the trust under which title thereto was originally acquired in accordance with the provisions of section 4 of this act.

SEC. 9. Whenever it shall appear to the port commission of the port district that it is for the best interests of the port district and the people thereof, and that it is in furtherance of the development of the system of harbor improvement of such port district and consistent with the general scheme of harbor improvement adopted by the voters of such port district that any part or parcel, or portion of such part or parcel, of the property, whether real, personal or mixed, within such industrial development district should be sold, it shall be the duty of such port commission and it is hereby authorized and empowered to sell and convey such property under the limitations and restrictions and in the manner hereinafter provided. Sale of property.

SEC. 10. The port commission so desiring to sell shall first give notice of intention to make such sale by publication thereof in two different newspapers in such county, if there are two published in such county, and also by posting such notice in three conspicuous public places within such port district, at least ten days prior to the date of hearing fixed thereon. Such notice so published and posted shall particularly designate and describe the property or portion thereof which it is proposed to sell and shall contain full notice that the port commission will meet on a certain day and hour of such day, at their Publication.

Hearing.

usual place of meeting, designating such place, to hear and determine the advisability of making such sale: *Provided*, That such meeting shall be held at a time not more than ten days after the expiration of the time hereinbefore designated for the publication of the notice of such meeting. The commission shall at such meeting hear evidence and take testimony, should any be offered, as to the propriety and advisability of making such proposed sale, and any taxpayer in the port district, either in person or by counsel, shall have the right to be heard for or against such proposition.

Findings of commission.

SEC. 11. The commission shall, within three days after such hearing, make their findings as to the propriety and advisability of making such sale and their determination thereon, which said finding and determination shall be spread upon their minutes and be made a matter of record.

Call for bids.

SEC. 12. If the finding and determination of the commission shall be against such sale, all proceedings in that regard shall thereupon terminate; but if the commission shall find and determine in favor of such sale, they shall thereupon enter an order upon their minutes fixing a period, not less than twenty nor more than thirty days from the date of such order, during which private bids will be received for such property or any part or parcel thereof, and notice thereof shall be given in the manner provided in section 10 of this act.

Bids submitted.

SEC. 13. Bids may be submitted for such property or for any part or parcel thereof and shall state and describe the use which the bidder proposes to make of the property if purchased. The commission may require any such bidder to file additional and supplemental information as to such proposed use. Within thirty days after the last day fixed for the submission of bids, the port commission shall de-

termine whether to accept any such bid or bids, and if any part of said property is sold it shall be upon such terms and conditions as the commission may determine, and the commission may require such security as it may determine as assurance that the property will be used by the bidder for the use stated and described in its bid. Any sale made pursuant hereto shall be to the highest and best bidder: *Provided*, The port commission shall not sell any property unless it is to be used for industrial or commercial uses and purposes, and in determining what is the highest and best bid the port commission may consider, among other things, the nature of the proposed use to be made of the property and the relation of such use to the improvement of the harbor and of the business and facilities thereof. Any purchaser at such sale shall, within one year from the date thereof, devote the property purchased to industrial or commercial use or shall commence work on any improvements of said property necessary to devote it to such use and thereafter diligently proceed with the completion thereof, and in the event of the failure of the purchaser to comply with this requirement, the port commission may in its discretion cancel such sale and return the purchase price, or so much thereof as has been paid, to the purchaser, and title to the property shall revert to the port district. This remedy shall be in addition to, but not exclusive of, any other remedy provided under the terms and conditions of the sale of such property. No transfer of title of the property purchased pursuant to the provisions of this act shall be made by any purchaser within the period of one year from and after the date of the purchase thereof.

SEC. 14. No sale or purchase of property pursuant to the provisions of this act shall be made except to a purchaser intending to use such prop-

Restrictions
on sale.

erty within one year from the date of such sale for commercial or industrial purposes, or if improvements to said property are necessary to adapt it to such use then to commence work upon such improvements within one year from the date of such sale and thereafter to diligently proceed with the completion thereof and to devote said property to such use. Any violation of this section shall be a gross misdemeanor punishable under the laws of the State of Washington relating thereto.

Passed the Senate February 8, 1939.

Passed the House March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 46.

[S. B. 114.]

HOSPITAL FOR TREATMENT OF BUERGERS DISEASE.

AN ACT relating to state government and state institutions providing for the establishment and operation of a public institution for the treatment and care of persons afflicted with Buergers disease and for experimental and scientific study of such disease and the medicinal and curative properties of the waters of Soap Lake, making an appropriation, and declaring this act shall take effect immediately.

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

Definitions.

SECTION 1. For the purpose of this act (a) the term "department" means the Department of Finance, Budget and Business of the State of Washington, (b) the term "institution" means the McKay memorial research hospital, (c) the term "director" means the Director of Finance, Budget and Business, and (d) the term "superintendent" means the superintendent of the McKay memorial research hospital.

Hospital
established.

SEC. 2. A public institution is hereby established at Soap Lake, Washington, to be known as the McKay memorial research hospital, for the treatment and care of persons afflicted with Buergers disease,

and for experimental and scientific study of such disease and the medicinal and curative properties of the waters of Soap Lake.

SEC. 3. The said institution shall be under the management, control and direction of the department of finance, budget and business, the same as other state institutions and in all respects subject to the law creating said department and rules and regulations adopted pursuant thereto.

Control.

SEC. 4. The facilities of said institution shall be available, first, to bona fide residents of the State of Washington, and thereafter to the extent that facilities may be available and adequate to residents of other states and territories on such terms and under such rules and regulations as in this act provided for.

Facilities available.

SEC. 5. Admission for treatment and care shall be made in accordance with form prescribed and in compliance with rules and regulations adopted by the department.

Form for admission.

SEC. 6. Patients admitted for treatment and hospitalization shall pay to the department the cost of treatment and service as determined by the department, which sum shall be payable weekly or monthly as provided under rules and regulations adopted by the department. In determining such cost, the director shall include all salaries, wages and other current operating charges including replacements and additions to equipment and routine maintenance of plant and facilities: *Provided*, The director may, and he is authorized to, adopt temporary fee schedules to be effective during the biennial period ending March 31, 1941, as follows: Patients admitted for treatment and hospitalization shall pay a fee for such service not exceeding \$25.00 per week and patients admitted for treatment only shall pay a fee not exceeding \$12.00 per week: *Provided*, That no

Cost of treatment.

Fee schedule.

Veterans. charges shall be made to a veteran or wife or widow of a veteran who was a citizen and resident of the state prior to 1935.

Voluntary financial aid for patients.

SEC. 7. The United States or any of its agencies, the State of Washington or any department or legal subdivision thereof, any other state or territory or legal subdivision thereof, or any person, corporation, association or voluntary association which may wish to provide for the care of persons afflicted with Buerger's disease in the institution and pay the cost of treatment and care as in this act provided may do so under such terms, rules and regulations as may be prescribed by the director, and the department is hereby empowered to enter into appropriate contracts on behalf of the State of Washington for such services.

Superintendent.

SEC. 8. The director shall appoint a superintendent who shall have immediate charge, supervision and control of the institution and patients admitted thereto, subject to such rules and regulations as shall be approved by the department. The superintendent shall be a qualified, practicing physician. He shall give bond to the state in the amount of \$5,000.00 for the faithful performance of his duties. The superintendent may appoint such technical staff and other officers and employees as shall be necessary for the proper and efficient carrying into effect the aims and purposes of the institution. The superintendent shall hold his office for such time as the director may deem wise and for the efficiency and economy of the institution. He shall have entire control of the medical and dietetic treatment of the patients. The director shall fix the salaries of the superintendent and subordinate officers and employees.

Deposition.

SEC. 9. The superintendent shall not be required to attend any court as a witness in a civil suit. Parties desiring his testimony may take and use his

deposition; nor shall he be required to attend as a witness in any criminal case unless the judge of the court before which testimony shall be desired shall, upon being satisfied of the materiality of his testimony, require his attendance and he and all other persons employed at the institution shall be exempt from serving on juries, and the certificate of the superintendent shall be prima facie evidence of such employment.

Not required to act as witness or juror.

SEC. 10. With the approval of the Governor, the director is authorized to accept and receive, on behalf of the State of Washington, from any person, association or corporation contributions of every kind and description to be used for research or other purposes, and to enter into cooperative scientific studies and experiments with any governmental agency, corporation, association, or individual in furthering the aims and purposes of the institution under such restrictions as may be imposed not in conflict with the laws governing public institutions and regulations adopted pursuant thereto.

Contributions received.

SEC. 11. All fees paid to the department for treatment and care in said institution shall be deposited in the state treasury to the credit of the general fund as provided by law.

Fees.

SEC. 12. For the purpose of carrying out the provisions of this act for the period ending March 31, 1941, there is hereby appropriated from the general fund in the state treasury for salaries, wages and operations the sum of \$102,600.00 or so much thereof as may be necessary.

Appropriation.

SEC. 13. This act is necessary for the immediate preservation of public peace, health and safety and shall take effect immediately.

Effective immediately.

Passed the Senate February 6, 1939.

Passed the House March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 47.

[H. B. 323.]

MUNICIPALLY OWNED STREET RAILWAYS.

AN ACT relating to municipally owned street railway or surface transportation systems in cities having more than three hundred thousand population; providing for the borrowing of money from the Reconstruction Finance Corporation or any other agency of the United States government for street railway and surface transportation purposes in such cities, and for the issuance of bonds payable from the revenues of such systems to evidence such loans, the proceeds thereof to be used for the purpose of purchasing and acquiring equipment and extensions, repairs, improvements and betterments to, and the operation of, said systems, and to refund outstanding indebtedness payable from the revenues of said system, to validate all such outstanding indebtedness and to create transportation commissions in such cities, and to prescribe the powers and duties thereof, and to repeal all laws or parts of laws and the provisions of any city charter in conflict herewith in so far as such conflict exists.

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

Power to borrow from government agency.

SECTION 1. Any city of more than 300,000 population owning and operating a street railway or surface transportation system shall have the power to borrow money from the Reconstruction Finance Corporation or from any other agency of the United States Government for the purpose of funding and refunding all or any number of revenue bonds or revenue warrants or both and the interest thereon issued by any such city in connection with such street railway or surface transportation system and payable from or drawn upon the revenues thereof and which were outstanding on February 1, 1939, and for the purpose of adding to, purchasing, acquiring, constructing, extending, improving, bettering, operating and maintaining such street railway or surface transportation systems for such cities, including the purchasing of trolley and motor buses and other equipment and the extension, repair, im-

provement and betterment of said system, and in connection with any such loan may enter into an agreement or agreements with the Reconstruction Finance Corporation or any such agency providing such terms and conditions for the granting of such loan as the city council or other governing body of such city may approve. Such agreement or agreements may be represented by the adoption by the city council or other governing body of any such municipality of a resolution or resolutions or by the execution of a written instrument or instruments.

Agreement.

SEC. 2. Any such loan shall be evidenced by bonds payable solely from the revenues to be derived from the operation of such street railway and surface transportation system. Such bonds may be authorized by ordinance or resolution duly adopted by the city council or other governing body of any such city, which resolution or ordinance shall provide for the creation of a special fund or funds into which fund or funds the city council or other governing body of such city may obligate and bind such city to set aside and pay a fixed proportion of the gross revenues of such street railway and surface transportation system and all extensions thereof and additions thereto or any fixed amount out of and not exceeding a fixed proportion of such revenues or a fixed amount without regard to any fixed proportion, which fund or funds shall be drawn upon solely for the purpose of paying the principal of and interest on the bonds issued pursuant to this act. Such bonds shall bear interest at not exceeding 6% per annum and shall be in such form and tenor and executed in such manner, shall be payable at such time or times, and may contain such provisions for registration as to principal and principal and interest and reconversion thereof to coupon bonds as the city council or other governing body of any such city shall determine. Such bonds

Bonds payable solely from revenue.

Interest.

Negotiable though payable from special fund.

shall be negotiable instruments under the Law Merchant even though said bonds shall be payable solely from such special fund or funds and shall never be deemed to be a charge upon the tax revenues of such city. Such bonds may contain a reservation of an option of redemption at such time or times, upon such terms and conditions, and at such premiums as the city council or other governing body of any such city may elect. Such bonds shall state upon their face that they are payable from such special fund or funds and should the corporate authorities of any such city fail to set aside and pay into such fund or funds the payments provided for in such ordinance or resolution, the holder of any such bonds may bring suit or action against the corporate authorities of such city to compel compliance with the terms of such ordinance or resolution. Pending the preparation and execution of such bonds, temporary bonds may be issued in such form as the city council or other governing body of any such city may elect. (All revenue bonds and revenue warrants issued by any such city in connection with such street railway or surface transportation system and payable from or drawn upon the revenues thereof and which were outstanding on February 1, 1939, are hereby ratified, validated and confirmed. The Reconstruction Finance Corporation or any other agency of the United States Government making any such loan, or any other holder or owner of any bonds authorized by and issued pursuant to the provisions of this act (shall not be required to see to the application of the moneys derived from such bonds to the purposes for which said bonds are issued as specified in any resolution or ordinance authorizing the issuance thereof.) No defense of invalidity, or irregularity in any such bonds and warrants funded or refunded by the issuance of bonds hereunder shall be a valid de-

Temporary bonds.

No defense of invalidity.

fense in any action at law or equity for a judgment upon or for the enforcement or collection of any bonds authorized by and issued pursuant to this act, and no court shall have jurisdiction to entertain any such defense in any such action or proceeding.

SEC. 3. Any such city may from time to time refund any bonds authorized by and issued pursuant to this act by the issuance of new bonds, as herein provided, whether the bonds to be refunded have or have not matured and may issue bonds to refund matured coupons evidencing interest upon any such bonds so refunded. Any such city may issue bonds partly to refund bonds and matured coupons as above provided, and partly for any other purposes in connection with the construction, extension, improvement, betterment, operation and maintenance of such street railway and surface transportation system.

Refunding of bonds.

SEC. 4. Any ordinance or resolution authorizing the issuance of bonds pursuant to the provisions of this act may contain covenants of any such city to protect and safeguard the security and rights of the holders of any of such bonds. Without limiting the generality of the foregoing, any such ordinance or resolution may contain covenants as to:

Ordinances may contain covenants.

(1) the creation of a special fund into which the proceeds of all bonds issued pursuant to this act shall be deposited and the terms and conditions upon which payments may be made from said fund, and for the payment of interest on bonds issued pursuant hereto from the moneys in said fund;

Creation of special fund.

(2) maintaining rates, fares and charges sufficient at all times to provide revenues to pay the interest and principal on all bonds and other obligations payable from said revenues and to meet all other payments from said revenues pursuant to, or as provided in, any ordinance, resolution or agreement adopted or entered into in connection with

Fares sufficient to provide revenues.

the issuance of bonds under this act, and to pay the operating and maintenance costs of such street railway and surface transportation system;

Limitation upon power to divert revenue.

(3) limitations upon the power of the city council or other governing body of any such municipality, or any other corporate authorities thereof, to divert revenues of any such street railway or surface transportation system to any other purposes than the maintenance and operation of any said system, and the payment of indebtedness and all other obligations or payments to be made from said revenues, and requiring the application of surplus revenues over and above said payments to the retirement of bonds or other obligations constituting a charge on said revenues;

Specification of depositaries.

(4) the collection, depositing, custody and disbursement of the revenues of any such street railway and surface transportation system, including a specification of the depositaries to be designated to hold such deposits and granting to such depositaries, or other banks or trust companies, authority to act as fiscal agent of any such city for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to this act, or any such resolution or ordinance authorizing such bonds, and to represent bondholders in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of any such city or the corporate authorities thereof in connection therewith, with such power and duty as such resolution or ordinance may provide;

Preparation of annual budget.

(5) the preparation of an annual budget and of monthly budgets for the operation, maintenance, renewal and replacement of said street railway or surface transportation system and the manner in which such budgets will be prepared and adopted, including the holding of public hearings thereon and

limiting the authority to incur indebtedness or make expenditures in excess of such budgets;

(6) the creation and administration of reserve and other funds for the payment of all indebtedness payable from the revenues of said system at or prior to maturity, and for the creation of working funds, depreciation funds, renewal funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of said street railway or surface transportation system;

Creation of reserve and other funds.

(7) the deposit of collateral security or indemnity bonds to secure the proceeds of all bonds issued pursuant to this act and of all revenues of any such street railway or surface transportation system and all moneys deposited in any special fund created under the authority of this act, or any covenant hereunder;

Deposit of collateral security.

(8) the obligation of any such city to maintain such street railway or surface transportation system in good condition and to operate same in an economical and efficient manner;

Obligation of city to maintain.

(9) the amount and kind of insurance to be carried by any such city in connection with its street railway or surface transportation system, and the equipment and properties thereof, the companies in which such insurance shall be carried and the term thereof, and the application of the proceeds of any such insurance, and all adjustments of losses under any policy of insurance carried on such system;

Insurance.

(10) limitations upon the amount of additional bonds, warrants or other obligations payable from the revenues of such street railway or surface transportation system which may be issued thereafter, and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

Limitation on amount of additional obligations.

Limitation
of liens.

(11) limitations upon the creation of additional liens or encumbrances on the real or personal property of any such street railway or surface transportation system;

Conditions
of sale or
mortgage.

(12) the terms and conditions upon which the properties, or any part thereof, of any such street railway or surface transportation system may be purchased, acquired, sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

Provisions
for opera-
tion, etc.

(13) the operation, maintenance, management, accounting and auditing, and the keeping of records, reports and audits of any such street railway or surface transportation system and the publication of same;

Appointment
of receiver.

(14) the appointment, powers and duties of a receiver in the event of a default in the payment of the principal of or interest on any bonds issued pursuant to this act, or in the event of a default in the performance of any duty or obligation of any such city, or the corporate authorities thereof, in connection therewith, such receiver to be appointed as a matter of right upon application to any court of competent jurisdiction at the instance of a holder or owner, or holders or owners, of any such bonds;

Amendment
of ordinance
or resolution.

(15) the amendment or modification of any ordinance or resolution authorizing the issuance of any bonds hereunder, and the terms and conditions, and the amount or percentage of assenting bonds necessary to effectuate such amendment or modification;

Transporta-
tion without
payment
limited.

(16) limitations on the transportation of persons and commodities through the facilities of such street railway or surface transportation system without payment therefor; and

(17) such other covenants as may be deemed necessary or desirable to insure a successful and

profitable operation of any such street railway or surface transportation system.

The provisions of this act and of any such ordinance or resolution shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Provisions of act and ordinance constitutes contract; enforcement.

SEC. 5. There is hereby created in each such city a commission to be known as "The Transportation Commission of the City of.....": *Provided, however,* That such commission shall not transact any business or exercise any powers hereunder until or unless the city council or other governing body of any such city shall so order and shall contract a loan from the Reconstruction Finance Corporation or any other agency of the Federal Government and the terms of such loan shall require the functioning of such commission in such city, and shall provide for the issuance of bonds under the authority hereof to evidence such loan. Upon the determination of the necessity for such a commission, the mayor shall appoint three transportation commissioners subject to the approval of the city council or other governing body of such city; one such commissioner shall be appointed for a term of two (2) years, one for a term of four (4) years, and one for a term of six (6) years, and until the successors shall have been appointed and duly qualified. At the expiration of the term of office of a commissioner, or in the event of a single vacancy at any one time in the commission from any cause, the remaining two commissioners shall appoint his successor. In the event there should occur at any one time one or more vacancies in the commission in excess of one, then the mayor shall make the necessary number of appointments to fill the va-

Transportation commissions created.

Under control of city council.

Loan contracted.

Appointment of commission.

Vacancies.

cancy or vacancies in excess of one. Any such appointee or appointees of the mayor shall be designated to fill the shorter or shortest of the vacant terms. Commissioners shall be eligible to succeed themselves. All appointments of commissioners subsequent to the appointment of the first commissioners shall be for a period of six (6) years, except for appointments to any vacancy in partly expired terms. Commissioners may be removed by the mayor only after the filing of written charges of unfitness, and when said charges have been sustained by a two-thirds vote of the entire membership of the city council, or other governing body of said city. Said commissioners shall be men of recognized business ability not directly or indirectly interested in any public service corporation or in any contract with the city, and shall have been qualified electors and freeholders of said city for at least four consecutive years immediately prior to appointment, and they shall receive no compensation. Said transportation commissioners shall have exclusive power and are hereby directed to:

Meetings.

(a) Adopt rules and regulations governing the meetings thereof and shall elect from among their number a chairman who shall serve as chairman for one year. No chairman shall be eligible to succeed himself as chairman, but he may be elected for subsequent terms. They shall appoint a secretary who shall keep a record of their proceedings.

Chairman.

Rules and Regulations.

(b) Make all rules and regulations governing the operation of the street railway and surface transportation facilities owned and operated by such city, and shall have complete control of all the employees of said system subject to the civil service provisions of the charter of any such city.

Superintendence and control.

(c) Have all superintendence, control and management of the facilities, equipment and property

now or hereafter used and employed in furnishing surface transportation in such city.

(d) Fix all routings and change the same whenever it is deemed advisable in the discretion of the commission, and fix all rates, fares and charges for the transportation of persons and commodities through the facilities of such system: *Provided, however,* That such rates, fares and charges shall be at all times at least sufficient to provide sufficient revenues to pay the interest and principal on all bonds and other obligations payable from said revenues and to meet all payments therefrom, pursuant to or contained in any ordinance, resolution or agreement adopted or entered into in connection with the issuance of bonds under this act, and to pay the operating and maintenance costs of such street railway and surface transportation system.

Fix routings
and shares.

(e) From time to time determine the type, character and amount of new equipment, extensions, betterments and improvements to such system.

Determine
improvements.

(f) Appoint and remove at pleasure a superintendent of transportation, who shall be a man of recognized ability and experience in the operation of surface transportation systems; fix the compensation of the superintendent of transportation, delegate to the superintendent of transportation the general management of such surface transportation systems, including the employees thereof, subject to the control of the commission, and direct the enforcement of all resolutions, rules and regulations pertaining to said systems as may be adopted by said commission, together with such further powers and duties as may be provided and prescribed from time to time by said commission.

Appoint or
remove
Superintendent.

Direct
enforcement
of
resolutions

(g) Control and manage, in accordance with any covenants contained in any ordinance, resolution or other agreement adopted or entered into in connection with the issuance of bonds pursuant to

Other
powers.

this act and in accordance with the provisions of the charter of any such city to the extent that such charter provisions are not in conflict with such covenants, such street railway and surface transportation system and all revenues derived from the operation thereof, and no moneys shall be withdrawn from the revenues of said system without the approval of said commission, which shall certify all expenditures to the city comptroller, who shall issue warrants therefor to the city treasurer (unless otherwise provided in an ordinance or resolution authorizing bonds under the provisions of this act) to be paid solely from the revenues derived from the operation of the system: *Provided, however,* That nothing herein contained shall prevent the city council or other governing body of such cities from creating special funds and issuing revenue bonds and warrants payable therefrom for street railway purposes under section 9491 of Remington's Revised Statutes when requested so to do by said commission, but subject to and in accordance with any covenants contained in any ordinance, resolution or other agreement entered into in connection with the issuance of bonds pursuant to this act.

Existence.

Such transportation commission shall continue in existence and shall have the powers and perform the duties hereinabove provided for so long as any bonds issued hereunder are outstanding and unpaid.

Title to funds and property.

The title to all funds and property of such street railway systems shall be and remain in the name of such city.

Act repeals conflicting acts and supersedes city charter.

SEC. 6. This act shall be complete authority for the issuance of the bonds hereby authorized and any restrictions, limitations or regulations relative to the issuance of such bonds contained in any other act shall not apply to the bonds issued under this act and this act shall repeal any other act in conflict herewith and shall supersede the provisions of

any city charter in so far as said act or charter is in conflict herewith.

Passed the House March 2, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 48.

[H. B. 300.]

ELECTION OF COMMITTEEMEN.

AN ACT relating to officers of county and state party committee organizations, and amending section 1 of chapter 200 of the Laws of 1927 (section 5198 of Remington's Revised Statutes).

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

SECTION 1. Section 1 of chapter 200 of the Laws of 1927 (section 5198 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 5198 Rem.
Rev. Stat.

Section 1. The precinct committeeman of each party entitled to participate in the September primaries shall be elected at the September primaries. Any elector duly registered to vote in his precinct may file, at a cost of \$1.00 with the county auditor, a declaration of candidacy for precinct committeeman for the election precinct in which he resides. Said filing shall be in all respects and follow the form provided for the filing of declaration of candidacy for county offices. The name of such candidates so filing for precinct committeeman shall be printed or stamped upon the official ballot: *Provided*, That nothing herein contained shall prevent any voter from writing in on the ticket the name of one qualified registered elector of the precinct, for member of the party committee of his party county committee. The one having the highest number of votes shall be such committeeman of such party for such

Election of
committee-
man.

precinct. The party committee of each county shall consist of the precinct committeeman from the several precincts of such county. The state committee shall consist of one committeeman and one committee woman from each county, elected by the county committee, which shall meet for such purpose and organization at the court house at the county seat of each county at 2 o'clock p. m. on the second Saturday after such primary election, unless some other time and place of such meeting shall be designated by a regular call of the properly authorized officers of the retiring committee. The officers of each county committee and the officers of the state committee must include a chairman, and a vice-chairman who shall be of the opposite sex from the chairman. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors, and perform all other functions inherent to such organizations, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election.

Vice-chairman to be opposite sex from chairman.

Party powers.

Passed the House February 21, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 9, 1939.

CHAPTER 49.

[H. B. 35.]

VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION
FUND.

AN ACT relating to and creating a fund in the state treasury to be known as the Volunteer Firemen's Relief and Compensation Fund, and amending section 2, chapter 121, of the Session Laws of 1935.

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

SECTION 1. That section 2, chapter 121, of the Session Laws of 1935, be and the same hereby is amended to read as follows: Amends
§ 2, ch. 121,
Laws 1935.

Section 2. In every municipality in the State of Washington wherein is maintained a regularly organized volunteer fire department, which for the purposes of this act shall be defined as any fire department not employing its entire membership on a full-time paid basis, or which may hereafter organize and maintain such fire department, there is hereby created and established a board of trustees of the volunteer firemen's relief and compensation fund, such board to be known as the board of trustees of the volunteer firemen's relief and compensation fund. Such board shall consist of the mayor, city clerk or comptroller and one councilman of such municipality, the chief of the fire department, and one member of said fire department, which one member shall be elected by the members of said fire department for a term of one (1) year and annually thereafter: *Provided*, That a municipality shall have authority by ordinance to permit full paid members of a fire department, consisting of paid members and volunteer members, to come under the firemen's relief and pension fund, described in chapter 39, Laws of 1935: *Provided, further*, That where a municipality is governed by the commission form of government, three commissioners shall serve as members of said Board of
trustees.

Members.

Duties.

board in lieu of the mayor, city clerk or comptroller and one city councilman. It shall be the duty of said board of trustees of such municipality to provide for the disbursement of relief and compensation, and they shall pass upon all claims to said fund, and shall direct payment from said fund to those entitled thereto under the terms of this act. It shall issue vouchers, signed by its chairman and secretary, to the persons entitled thereto for the amount of money ordered paid to such persons from said fund by said board, which vouchers shall state for what purpose such payment is to be made. It shall keep a record of its proceedings, which record shall be public. It shall, at each meeting, send to the State Treasurer a written or printed list of all persons entitled to payment from said fund herein provided for, stating the amount of such payment and for what granted, which list shall be certified to and signed by the chairman and secretary of said board, attested under oath, and the state officer whose duty it is to issue warrants, shall order and direct that a warrant for the amount specified on such voucher shall be drawn on said fund, for the amount thereof. The board herein provided shall, in addition to other powers herein granted, have power, to-wit:

Additional powers.

1. To compel the attendance of witnesses to testify before it upon all matters connected with the operation of this act, and in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its chairman or any member of said board may administer oaths to such witness.

2. To make all needful rules and regulations for its guidance in conformity with the provisions of this act.

3. To keep accurate account of any expenses incurred in complying with this law, and such expense shall be paid out of said fund. No compensa-

tion or emoluments shall be paid to any member of said board of trustees for any duties performed under this act as trustee.

4. To make provision for the employment of a regularly licensed practicing physician for the examination of members entering said volunteer fire department, at a fee of Three Dollars (\$3.00) for each fireman examined; and for the care of injured and disabled members of said volunteer fire departments. The fees for such care and medical attention shall be set by the State Auditor and such fees shall be uniform in all municipalities throughout the state. Said physician shall report his findings to said board of trustees on blanks provided for the purpose, and the fee of such physician for the cure of injured and disabled members of said volunteer fire departments shall be paid out of said fund. No other physician or surgeon, not employed by said board of trustees, except in case of emergency, shall receive or be entitled to receive any fees or compensation from said fund as private or attending physician to any disabled member. Said board of trustees shall hear and decide all applications for such relief or compensation under this act, and its decisions on such applications shall be final and conclusive and not subject to reversal or revision except by the board. A majority of the board of trustees shall constitute a quorum, and no business shall be transacted where a majority is not present, and no claim shall be allowed where a majority of the board has not voted favorably thereon. Said board shall have the power and authority to have a guardian appointed whenever and wherever the claim of a fireman who is a minor is involved.

Medical
attention for
members.

Guardian.

Passed the House February 14, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 50.

[H. B. 190.]

LIEU CONTRACTS FOR MEDICAL AID.

AN ACT relating to the medical, surgical and hospital treatment of workmen subject to the industrial insurance act by medical aid contracts, prescribing the method of execution of such contracts and fixing the rates of contribution to the medical aid fund by the contractor and workman and amending section 7724 of Remington's Revised Statutes and declaring that this act shall take effect immediately.

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

Amends
§ 7724 Rem.
Rev. Stat.

SECTION 1. That section 7724 of Remington's Revised Statutes of the State of Washington be amended to read as follows:

Lieu
contracts.

Section 7724. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra-hazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment, by, and under the control and administration of, and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the Supervisor of Industrial Insurance endorsed thereon. Before any such contract shall go into effect it shall be submitted to the Supervisor of Industrial Insurance, and may be disapproved by the Supervisor of Industrial Insurance when found not to provide for such care of injured workmen as is contemplated by the provision of section 7715, and if a contract so submitted be with the owners of a hospital operating the same, or with a hospital association, the Supervisor of Industrial Insurance shall have power to disapprove the same if in his

Approval.

judgment the ownership or management of such hospital or hospital association shall not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved, and take and continue in effect for any period of time specified therein, not exceeding three years from the date of such approval: *Provided, however,* That the Director of Labor and Industries, through the Division of Industrial Insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise specified) be outside of, and not affected by, the provisions of sections 7712 to 7723, inclusive, and section 7725, other than the provisions of section 7714 relating to artificial substitutes and lenses and the basis of compensation when lenses are supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 7719 relating to the analyses and reports of accidents, and the employer shall pay monthly into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each, and in addition thereto, every classifi-

Director may
require bond.

Expenses
borne
between
employee
and
employer.

Rate of
contribution.

Surplus
fund.

cation and/or sub-classification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created, a further sum to be determined by the Director of Labor and Industries, through and by means of the Division of Industrial Insurance, not exceeding ten per centum of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. Said surplus fund shall only be used by the Director of Labor and Industries for the purpose of furnishing necessary medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the Director of Labor and Industries, otherwise incapable of rendering the required medical aid to the injured workmen. The amount at which such surplus fund shall be maintained in each classification and/or sub-classification shall be determined by the Director of Labor and Industries, through and by means of the Division of Industrial Insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this section provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and/or sub-classification the levy therefor may be suspended in the discretion of the Director of Labor and Industries. Disbursements from said surplus fund shall be made by warrants drawn against the same by the State Auditor upon certificate thereof, or requisition therefor, by the Director of Labor and Industries through,

Disburse-
ments from
fund.

and by means of, the Division of Industrial Insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do at any time during or after the expiration of his medical aid contract except as in this section provided: *Provided, however,* That if upon the expiration of any medical aid contract, the medical aid contractor shall not renew the same and shall forthwith and thereafter cease the performance of all medical aid contracts as in this section provided, the medical aid contractor shall be relieved from all liability to furnish future medical aid to the injured workman arising after the expiration of such contract or contracts providing he shall have paid all levies theretofore made during the existence of such contract or contracts into the surplus fund. During the operation of any such contract the Supervisor of Industrial Insurance or any interested person may file a complaint with the Supervisor of Industrial Insurance alleging that the service and care actually rendered thereunder are not up to the standard provided in section 7715, and, upon a hearing had upon notice to the employer and workmen interested thereunder, the Supervisor of Industrial Insurance may make an order that the contract shall terminate unless the defect or deficiency complained of shall be remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing sustain the complaint and make an order that the contract shall terminate forthwith.

Expiration
of medical
aid contract.

Complaint.

Termination
of contract.

Notice to the workmen may be effected in the manner provided in section 7712. The employer or any interested workman may appeal from such decision in the manner provided in section 7697 hereof. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the de-

Appeal.

Emergency
treatment.

cision of the Supervisor of Industrial Insurance is reversed. If during the operation of any such contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment, the Supervisor of Industrial Insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 7715. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party.

Prior
contracts.

No contract for medical, surgical, or hospital care of injured workmen entered into prior to the time this act shall go into effect shall be invalidated by anything in this act contained.

Effective
immediately.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 51.

[H. B. 225.]

COAL MINES.

AN ACT relating to coal mining, providing qualifications for hoist engineers, and amending sections 69 and 88 of chapter 36 of the Laws of 1917.

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

SECTION 1. That section 69 of chapter 36 of the Laws of 1917 (section 8704 of Remington's Revised Statutes; section 3896 of Pierce's Code) be amended to read as follows:

Amends
§ 8704 Rem.
Rev. Stat.;
§ 3896 P. C.:

Section 69. An engineer placed in charge of the hoisting engine, where men are being hoisted or lowered, must be a sober, competent person not less than twenty-one (21) years of age, and in good physical and mental condition for such work; and no person shall be permitted to handle or operate any such hoist until his health has been certified by a reputable physician and his competency determined and certified by the state mining board upon such examination as it may prescribe.

Competency
of hoisting
engineer.

SEC. 2. That section 88 of chapter 36 of the Laws of 1917 (section 8723 of Remington's Revised Statutes; section 3915 of Pierce's Code) be amended to read as follows:

Section 88. Whenever by reason of any explosion or any other accident in or about any coal mine, whereby loss of life or serious injury has occurred, or is thought to have occurred, it shall be the duty of the person having charge of the mine to give notice thereof to the mine inspector by telephone or telegraph, and if any person is killed thereby, to the coroner of the county, who shall give due notice to the mine inspector if an inquest is to be held. In case of any major or fatal accident, the resident

Accidents
and
explosions.

Coroner.

district officers of the miners' organization shall be notified by telephone or telegraph at the same time the mine inspector is notified, and shall have the privilege of appearing at all investigations held to determine the cause of such accident, and to recommend safety measures for the prevention of accidents. If the coroner shall determine to hold an inquest, the mine inspector shall be allowed to testify and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the cause of death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross-question any witness, and in choosing a jury for the purpose of holding such inquest it shall be the duty of the coroner to impanel a jury, no one of whom shall be directly or indirectly interested. It shall be the duty of the mine inspector upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident, and make a record thereof, which he shall file as provided for, and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or justices of the peace are paid, and copies of evidence taken at inquests shall be furnished the mine inspector.

Mine
inspector.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 52.

[H. B. 247.]

COLLEGE CURRENT FUND ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury and abolishing the college current fund, and defining the duties and powers of the State Treasurer in connection therewith, and declaring that this act shall take effect April 1, 1939.

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

SECTION 1. That all moneys in the state treasury to the credit of the college current fund on the first day of May, 1939, and all moneys thereafter paid into the state treasury for, or to the credit of, the college current fund, shall be and are hereby transferred to, and placed in the Washington state college fund.

SEC. 2. That from and after the first day of April, 1939, all appropriations made by the twenty-sixth legislature from the college current fund shall be paid out of moneys in the Washington state college fund.

SEC. 3. That from and after the first day of May, 1939, the college current fund in the state treasury shall be and is hereby abolished. Fund abolished.

SEC. 4. That from and after the first day of May, 1939, all warrants drawn on the college current fund and not presented for payment, shall be paid from the Washington state college fund, and it shall be the duty of the State Treasurer, and he is hereby directed, to pay such warrants, when presented, from the Washington state college fund.

SEC. 5. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1939. Effective immediately.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 53.

[H. B. 248.]

CURRENT STATE SCHOOL SUSPENSE FUND ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury and abolishing the current state school suspense fund, and defining the duties and powers of the State Treasurer in connection therewith, and declaring that this act shall take effect April 1, 1939.

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

SECTION 1. That all moneys in the state treasury to the credit of the current state school suspense fund on the first day of May, 1939, and all moneys thereafter paid into the state treasury for, or to the credit of, the current state school suspense fund, shall be and are hereby transferred to, and placed in the general fund.

Fund
abolished.

SEC. 2. That from and after the first day of May, 1939, the current state school suspense fund in the state treasury shall be and is hereby abolished.

SEC. 3. That from and after the first day of May, 1939, all warrants drawn on the current state school suspense fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the State Treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund.

Effective
immediately.

SEC. 4. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 54.

[H. B. 249]

STATE ATHLETIC FUND ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury and abolishing the state athletic fund, and defining the duties and powers of the State Treasurer in connection therewith; repealing section 21 of chapter 184 of the Laws of 1933, being section 8276-21, Remington's Revised Statutes; and declaring that this act shall take effect April 1, 1939.

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

SECTION 1. That all moneys in the state treasury to the credit of the state athletic fund on the first day of May, 1939, and all moneys thereafter paid into the state treasury for, or to the credit of, the state athletic fund, shall be and are hereby transferred to, and placed in, the general fund.

SEC. 2. That from and after the first day of April, 1939, all appropriations made by the twenty-sixth legislature from the state athletic fund shall be paid out of moneys in the general fund.

SEC. 3. That from and after the first day of May, 1939, the state athletic fund in the state treasury shall be and is hereby abolished.

Fund
abolished.

SEC. 4. That from and after the first day of May, 1939, all warrants drawn on the state athletic fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the State Treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund.

SEC. 5. Section 21 of chapter 184 of the Laws of 1933, being section 8276-21, Remington's Revised Statutes, be and the same is hereby repealed.

Repeals
§ 8276-21,
Rem. Rev.
Stat.

SEC. 6. That this act is necessary for the immediate support of the state government and its exist-

Effective
immediately.

ing public institutions and shall take effect April 1, 1939.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 55.

[H. B. 250.]

VETERANS' COMPENSATION BOND RETIREMENT FUND ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury and abolishing the veterans' compensation bond retirement fund, and defining the duties and powers of the State Treasurer in connection therewith.

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

SECTION 1. All moneys in the state treasury to the credit of the veterans' compensation bond retirement fund on the first day of August, 1940, and all moneys thereafter paid into the state treasury for, or to the credit of, the veterans' compensation bond retirement fund shall be and are hereby transferred to, and placed in the general fund.

SEC. 2. From and after the first day of August, 1940, all appropriations made by the twenty-sixth legislature from the veterans' compensation bond retirement fund shall be paid out of moneys in the general fund.

Fund
abolished.

SEC. 3. From and after the first day of August, 1940, the veterans' compensation bond retirement fund in the state treasury shall be and is hereby abolished.

SEC. 4. That from and after the first day of August, 1940, all warrants drawn on the veterans' compensation bond retirement fund and not pre-

sented for payment shall be paid from the general fund, and it shall be the duty of the State Treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 56.

[H. B. 253.]

OYSTER RESERVE FUND ABOLISHED.

AN ACT relating to the oyster reserve fund; transferring certain moneys from the oyster reserve fund to the fisheries fund and abolishing the oyster reserve fund; and amending section 105 of chapter 31 of the Laws of 1915, (being section 5759, Remington's Revised Statutes); and declaring that this act shall take effect April 1, 1939.

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

SECTION 1. That section 105 of chapter 31 of the Laws of 1915, (being section 5759, Remington's Revised Statutes), be amended to read as follows:

Amends
§ 5759 Rem.
Rev. Stat.

Section 105. All moneys received from the disposal of oysters from the reserves and from sales and leases and from licenses for the taking of oysters from the reserves shall be paid into the fisheries fund and all expenses incurred on account of the oyster reserves shall be paid from said fund.

SEC. 2. All moneys in the state treasury to the credit of the state oyster reserve fund on the first day of May, 1939, and all moneys hereafter paid into the state treasury for, or to the credit of the state oyster reserve fund shall be and are hereby transferred to, and placed in the fisheries fund.

SEC. 3. From and after the first day of April, 1939, all appropriations made by the twenty-sixth

legislature from the state oyster reserve fund shall be paid out of the moneys in the fisheries fund.

Fund
abolished.

SEC. 4. From and after the first day of May, 1939, the state oyster reserve fund in the state treasury shall be and is hereby abolished.

SEC. 5. From and after the first day of May, 1939, all warrants drawn on the state oyster reserve fund and not presented for payment, shall be paid from the fisheries fund, and it shall be the duty of the State Treasurer, and he is hereby directed, to pay such warrants, when presented, from the fisheries fund.

Effective
immediately.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the House February 28, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 57.

[H. B. 286.]

LIMITATION OF ACTIONS ON IRRIGATION DISTRICT BONDS.

AN ACT relating to irrigation districts under contract with the United States, or any department or agent thereof, to sell certain district property and rights; limiting the time within which actions to enforce any right or claim arising out of the issuance or ownership of the district bonds must be brought; and providing that this act shall take effect immediately.

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

Bonds.

SECTION 1. No action against any irrigation district organized under the laws of this state, or its officers, to enforce any right or claim arising out of the issuance or ownership of any negotiable bond,

payable on a day certain, of the irrigation district, where such district is under contract with the United States, or any department or agency thereof, to sell its lands and its right, title and interest in its distribution canals and pipelines and its water rights, thereby necessitating the discontinuance of the district operation upon fulfillment of the contract, shall be brought after a period of six (6) years from and after the maturity date of such bond: *Provided*, That this section shall not apply to actions not otherwise barred on such irrigation district bonds heretofore issued, if the same shall be commenced within six (6) months after the taking effect of this act.

Limitation
of actions.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and for the support of the state government and its existing public institutions, and shall take effect immediately.

Effective
immediately.

Passed the House February 21, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 58.

[S. B. 103.]

ABATEMENT OF FIRE HAZARDS.

AN ACT relating to cut over lands, providing for abatement of fire hazards thereon, and amending section 1 of chapter 134, Laws of 1929.

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

SECTION 1. Section 1 of chapter 134, Laws of 1929 (section 5807 of Remington's Revised Statutes; section 2582 of Pierce's Code), is hereby amended to read as follows:

Amends
§ 5807 Rem.
Rev. Stat.
§ 2582 P. C.

Section 1. Any land in the State of Washington covered wholly or in part by inflammable debris

Inflammable
debris
constitutes
fire hazard.

created by logging or other forest operations, land clearing, and/or right of way clearing and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property, shall constitute a fire hazard, and the owner or owners thereof and the person, firm or corporation responsible for its existence are required to abate such hazard. Nothing in this section shall apply to lands for which a certificate of clearance, under section 2 of chapter 207, Laws of 1929 (section 5792-1 of Remington's Revised Statutes; section 2569-1 of Pierce's Code), has been issued.

Failure to
abate.

If the owner or person, firm or corporation responsible for the existence of any such hazard shall refuse, neglect or fail to abate such hazard, the state supervisor of forestry may summarily cause it to be abated and the cost thereof and of any patrol or fire fighting made necessary by such hazard may be recovered from said person, firm or corporation responsible therefor or from the owner of the land on which such hazard existed by an action for debt and said costs shall also be a lien upon said land and may be enforced in the same manner, with the same effect and by the same agencies as the lien provided for in section 3 of chapter 105, Laws of 1917 (section 5806 of Remington's Revised Statutes; section 2581 of Pierce's Code): *Provided*, That said summary action hereinbefore referred to may be taken only after twenty (20) days' notice in writing has been given to the owner or reputed owner of the land on which the hazard exists either by personal service on said owner or by registered letter addressed to said owner at his last known place of residence.

Supervisor
may abate.

Costs
recovered.

Notice.

Passed the Senate February 8, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 59.

[S. B. 105.]

BRANCH BANKS.

AN ACT relating to banks maintaining branch banks or branch banking offices; requiring the presentation at such branch bank or banking office of all checks, notes, trade acceptances, orders for payment and stop payment orders, confirmations or renewals relating to or to be paid out of any account or deposit maintained at such branch bank or banking office, and requiring that tender of payment of any note, draft or trade acceptance payable at or drawn on or acceptable at any branch bank or banking office shall be made at such branch bank or banking office.

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

SECTION 1. No stop-payment order, renewal or confirmation issued against check, note, draft or trade acceptance drawn against or payable out of any account or deposit kept or maintained with any branch bank or branch banking office of any bank or banking association doing business within the state shall be effectual to require compliance therewith by such bank, banking association, branch bank or branch banking office unless and until such stop-payment order, renewal or confirmation has been served upon such bank by delivery of the same or of a copy thereof to some person in charge of such branch bank or branch banking office, or employed therein.

Stop-payment orders.

SEC. 2. No presentation of any check, note, draft or trade acceptance drawn upon, made payable at or to be presented for acceptance at or to any branch bank or branch banking office of any bank or banking association doing business within this state shall constitute a valid presentation of such note, draft or trade acceptance unless and until presentation shall be made at such branch bank or branch banking office.

Presentation.

Tender of
payment.

SEC. 3. No tender of payment, either in whole or in part, of or upon any note or trade acceptance, made payable at any branch bank or branch banking office of any bank or banking association doing business within this state shall be effectual to modify, alter or change the rights or liabilities of any party to such note or trade acceptance, or of any owner or holder thereof, or of any person liable thereon, unless such tender of payment is made at the branch bank or branch banking office at which such note is made payable or at which such trade acceptance is to be presented.

Passed the Senate February 2, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 60.

[S. B. 197.]

SHORELANDS CONVEYED TO UNIVERSITY.

AN ACT authorizing the conveyance of certain shorelands to the University of Washington for arboretum and botanical gardens.

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

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized and directed to certify in the manner now provided by law to the Governor for deeding to the University of Washington all of the following described Lake Washington shorelands, to-wit: blocks sixteen (16) and seventeen (17), Lake Washington Shorelands, as shown on the map of said shorelands on file in the office of the Commissioner of Public Lands.

Deed.

SEC. 2. The Governor is hereby authorized and directed to execute, and the Secretary of State to

attest, a deed conveying to the University of Washington all of said shorelands.

SEC. 3. All of the shorelands described in section 1 of this act are hereby granted to the University of Washington to be used for arboretum and botanical garden purposes and for no other purposes. In case the said University of Washington should attempt to use or permit the use of said shorelands or any portion thereof for any other purpose, the same shall forthwith revert to the State of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same.

Arboretum
and
botanical
purposes.

Reversion.

Passed the Senate February 16, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 61.

[S. B. 223.]

SECURITIES FOR TRUST FUND INVESTMENTS.

AN ACT relating to the investment of funds held in trust by corporations doing a trust business, and amending section 20 of chapter 42 of the Laws of 1933 (section 3255n of Remington's Revised Statutes).

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

SECTION 1. Section 20 of chapter 42 of the Laws of 1933 (section 3255n of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 3255n, Rem.
Rev. Stat.

Section 20. A corporation doing a trust business may invest funds held in trust in savings accounts in banks, trust companies, mutual savings banks or national banking associations to the extent that such deposits are insured by the Federal Deposit Insurance Corporation. With the approval in writing of the Supervisor of Banking such a corporation may

Corporations
doing trust
business.

invest funds held in trust in any securities, other than those hereinabove in this act specified, except corporate stocks.

Passed the Senate February 24, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 62.

[S. B. 403.]

NAME OF STATE CUSTODIAL SCHOOL CHANGED.

AN ACT changing the name of "The State Custodial School" to "The Eastern State Custodial School," and declaring this act shall take effect April 1, 1939.

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

SECTION 1. The name of "The State Custodial School" is hereby changed to "The Eastern State Custodial School."

Effective immediately.

SEC. 2. This act shall take effect April 1, 1939.

Passed the Senate February 25, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 63.

[S. B. 412.]

REVOLVING FUNDS.

AN ACT relating to the state government and authorizing the department of fisheries and the department of game to each establish and operate certain funds as therein provided, and declaring an emergency.

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

SECTION 1. The department of fisheries is hereby authorized to receive from the United States Reclamation Service, or from any other federal agency or department, money to be expended under its direction in the rehabilitation and preservation of the salmon of the Columbia River district and particularly in connection with such rehabilitation and preservation during the period required for the completion of Grand Coulee dam. Authority is hereby granted to the department of fisheries to create a revolving fund of fifteen thousand dollars (\$15,000) from any money appropriated for the department of fisheries and to expend the same for such purposes and as specified by the federal government. All moneys received from any federal agency for such purposes shall be paid into the revolving fund hereby created and all expenses in connection with the said purposes shall be paid from said revolving fund. This authority, however, to continue only for such period of time as the United States Reclamation Service, or any other federal agency, shall advance or contribute money to the department of fisheries for such purposes. Any moneys so transferred from the funds appropriated for the department of fisheries to the revolving fund herein created shall upon completion of the purposes of this act be accounted for in the same manner as funds advanced pursuant to section 5514, Remington's Revised Statutes.

Preservation
of salmon.

Fisheries
revolving
fund.

Preservation
of trout
fisheries.

Department
of game
revolving
fund.

SEC. 2. The department of game is hereby authorized to receive from the United States Reclamation Service, or from any other federal agency or department, money to be expended under its direction in the rehabilitation and preservation of the trout fisheries in the waters of the Columbia River and its tributaries at some point to be selected above Grand Coulee dam. Authority is hereby granted to the department of game to create a revolving fund of fifteen thousand dollars (\$15,000) from any money appropriated for the department of game and to expend the same for such purpose and as specified by the federal government. All moneys received from any federal agency for such purpose shall be paid into the revolving fund hereby created and all expenses in connection with said purpose shall be paid from said revolving fund. This authority, however, to continue only for such period of time as the United States Reclamation Service, or any other federal agency, shall advance or contribute money to the department of game for such purpose. Any money so transferred from the funds appropriated for the department of game to the revolving fund herein created shall upon completion of the purpose of this act be accounted for in the same manner as funds advanced pursuant to section 5514, Remington's Revised Statutes.

Effective
immediately.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 64.

[H. B. 181.]

BOUNTIES ON PREDATORY ANIMALS.

AN ACT relating to the payment of bounties for the killing of certain predatory animals and amending section 1 of chapter 63 of the Laws of 1937, (section 3708-2, Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 63 of the Laws of 1937, (section 3708-2, Remington's Revised Statutes) be amended to read as follows:

Section 1. Whenever any such person to whom such permit is issued shall trap, kill or take any cougar, lynx, bobcat, or coyote, in accordance with such permit and within the area fixed by such permit, and shall furnish proof thereof to the said director, he shall be paid a bounty of Fifty Dollars (\$50.00) for each cougar, and Five Dollars (\$5.00) for each lynx or bobcat, and Five Dollars (\$5.00) for each adult coyote and One Dollar (\$1.00) for each coyote pup from any monies which may be appropriated by the legislature for the payment of the same. All monies appropriated for such purposes shall be expended under the direction of and upon vouchers approved by the director of game.

Amends
§ 3708-2 Rem
Rev. Stat.

Bounties

Passed the House February 14, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 65.

[H. B. 201.]

CREDIT UNIONS.

AN ACT relating to credit unions; limiting the holding any one shareholder may have in such a union; providing for the calculation of interest and for collateral security; and amending chapter 173 of the Laws of 1933.

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

Amends
§ 3923-9, Rem.
Rev. Stat.;
§ 4612-49 P. C.

SECTION 1. Section 9 of chapter 173 of the Laws of 1933 (section 3923-9 of Remington's Revised Statutes; section 4612-49 of Pierce's Code) is hereby amended to read as follows:

Capital.

Section 9. The capital of a credit union shall be unlimited in amount. Shares of capital stock may be subscribed and paid for in such manner as the by-laws shall prescribe. A shareholder may purchase and hold not exceeding two hundred shares in a credit union and may also make deposits in such credit union to an amount not exceeding one thousand dollars, which deposits, together with the addition of interest thereon and dividends on shares, may accumulate to an amount not exceeding fifteen hundred dollars: *Provided*, (a) That the total amount of shares and deposits held by any one member in any one credit union, including the aforesaid accumulations, shall not, exclusive of undrawn dividends and interest, exceed two thousand dollars in the aggregate; and (b) That in the event the by-laws of a credit union do not provide for the receipt of deposits, a shareholder may purchase not exceeding four hundred shares in such credit union, exclusive of undrawn dividends not exceeding five hundred dollars (\$500). A credit union may require from a member ninety days' notice of his intention to withdraw any or all of his shares and sixty days' notice of intention to withdraw any or all of his deposits, except that said notice of withdrawal of

Limitation
on deposits
and shares.

Notice of
withdrawal.

shares or deposits may be extended beyond the time limits herein indicated with the written consent of the Director of Efficiency.

SEC. 2. Section 14 of chapter 173 of the Laws of 1933 (section 3923-14 of Remington's Revised Statutes; section 4612-54 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 3923-14 Rem.
Rev. Stat.;
§ 4612-54 P. C.

Section 14. The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice presidents, a secretary, a treasurer, a credit committee of not less than three members, an auditing committee of three members, and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified, unless sooner removed as hereinafter provided, but the members of the credit committee and the auditing committee may be selected from members of the association other than board members. The offices of secretary and treasurer may be held by the same person. No member of the said board of directors shall be a member of both the credit and auditing committee unless the number of members of the credit union is less than eleven. Each officer handling funds of the credit union shall give bond to the directors in such amount and with such surety or sureties and conditions as the supervisor of savings and loan associations may prescribe, which bond shall be filed with the supervisor.

Officers.

Bond
required.

SEC. 3. Section 15 of chapter 173 of the Laws of 1933 (section 3923-15 of Remington's Revised Statutes; section 4612-55 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 3923-15
Rem. Rev.
Stat.;
§ 4612-55 P. C.

Section 15. The board of directors shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but

Duties of
board.

not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, determine the rate of interest on loans subject to the limitations contained in this act, determine the rate of interest to be paid on deposits which shall not, however, exceed six per cent per annum, and shall fill vacancies in the board of directors, and committees, until the next election. It shall make recommendations to the members of the credit union relative to the maximum amount to be loaned to any one member, the need of amendments to the by-laws and other matters upon which, in its opinion, the members should act at any regular or special meeting. At each annual or semi-annual period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration. Shares which become paid up during the year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full: *Provided*, That the board of directors may, at its option, compute such full shares if purchased on or before the 10th day of January or July, and on or before the 5th day of any other month, as of the first day of said month. The board of directors, with the approval of the Director of Efficiency, may borrow money for and in behalf of the credit union, for the purpose of making loans, paying debts or withdrawals. It may by a two-thirds vote remove from office any officer or any member of any committee for cause.

Dividends.

Amends
§ 3923-20
Rem. Rev.
Stat.;
§ 4612-60 P. C.

SEC. 4. Section 20 of chapter 173 of the Laws of 1933 (section 3923-20 of Remington's Revised Statutes; section 4612-60 of Pierce's Code) is hereby amended to read as follows:

Loans to
members.

Section 20. The capital, deposits and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee,

as provided in the following section, and also when required herein, of the board of directors, and any capital, deposits or surplus funds in excess of the amount for which loans may be approved by the credit committee and the board of directors, may be deposited in banks or trust companies or in state or national banks located in this state, or invested in any bonds or securities or other investments which are at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or in the shares of other credit union or savings and loan associations organized under the laws of this state or the Federal government. No credit union shall carry on a banking business or carry any demand, commercial or checking accounts, nor issue any time or demand certificates of deposits. At least five per cent of the total assets of a credit union shall be carried as cash on hand or as balances due from banks and trust companies, or invested in the bonds or notes of the United States, or of any state, or subdivision thereof, which are legal investments for savings and loan associations as above provided. Whenever the aforesaid ratio falls below five per cent, no further loans shall be made until the ratio as herein provided has been re-established. Investments other than personal loans shall be made only with the approval of the board of directors.

Deposits.

Banking business prohibited.

Cash balances.

SEC. 5. Section 23 of chapter 173 of the Laws of 1933 (section 3923-23 of Remington's Revised Statutes; section 4612-63 of Pierce's Code) is hereby amended to read as follows:

Amends § 3923-23 Rem. Rev. Stat.; § 4612-63 P. C.

Section 23. A credit union may make loans of the following classes to its members:

Loans to members.

(1) Personal loans secured by the note of the borrower; and

(2) Loans secured by second mortgages of real estate situated within the state.

Personal
loans.

Personal loans shall be given the preference and, in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, preference shall be given to the smaller loan. Each personal loan shall be payable within one year from date thereof and shall be paid or renewed on or before such date: *Provided*, That loans with satisfactory collateral security pledged to secure the same may be made payable within two years, and shall be paid or renewed on or before that date. Each indorser of a note given as security for a personal loan shall be a resident of the state at the time the loan is made, unless such indorser is a member of the credit union, and if such indorser shall leave the state a new resident indorser must be immediately provided or the loan shall be at once collectible.

Limitations.

Each personal loan shall be limited as follows:

(1a) To an amount not exceeding fifty dollars, if secured by the unindorsed or unsecured note of the borrower;

(2a) To an amount not exceeding three hundred dollars, if secured by the note of the borrower with one or more responsible indorsers thereon, or with satisfactory collateral security pledged to secure the same, or if secured by the joint and several note of two or more members;

(3a) To an amount not exceeding one thousand dollars, if secured by the note of the borrower with two or more responsible indorsers thereon, or with satisfactory collateral security pledged to secure the same, or if secured by the joint and several note of three or more members;

(4a) To an amount not exceeding fifteen hundred dollars, if secured by the note of the borrower with two or more responsible indorsers thereon, or by a joint and several note of three or more members, and, in either case, with collateral valued at not more

than eighty per cent of its market value, pledged fully to secure the same;

(5a) To an amount not exceeding two thousand dollars, if secured by the note of the borrower and with sufficient collateral pledged to secure the same made up of bonds or notes of the United States, or of any state or subdivision thereof, which are legal investments for savings and loan associations in this state valued at not more than eighty per cent of their market value, or by the assignment of the pass book of a stockholder in a savings bank or a book showing payments on stock to a savings and loan association doing business in this state or in the savings department of any bank or trust company doing business in this state, or the book of a stockholder in a savings and loan association incorporated under the laws of this state; and

(6a) To an amount not exceeding the value of the shares and deposits of the borrower in the credit union, if secured by the note of the borrower and by the assignment of said shares and deposits.

For the purposes of this section a valid assignment of wages may be received as satisfactory collateral for any loan not in excess of two hundred and fifty dollars or not in excess of two months' salary, whichever is larger. The total amount which a credit union may invest in second mortgages on real estate shall not exceed twenty-five per cent of the aggregate amount of shares, deposits and guaranty fund. All loans secured by second mortgages on real estate shall be subject to the following restrictions:

(1b) The total liability of any member upon loans of this class shall not exceed five per cent of the assets of the credit union, nor shall it exceed two thousand dollars; and

(2b) The aggregate of all loans secured by mortgages of real estate outstanding, together with the loan to be secured by second mortgage, shall not

exceed sixty per cent of the value of the property mortgaged, as determined by the credit committee, and all delinquent taxes and assessments must be paid, and all such loans must be amortized by weekly or monthly payments which payments shall be at the rate of not less than ten per cent per annum of the principal.

Amends
§ 3923-27
Rem. Rev.
Stat.;
§ 4612-67 P. C.

SEC. 6. Section 27 of chapter 173 of the Laws of 1933 (section 3923-27 of Remington's Revised Statutes; section 4612-67 of Pierce's Code) is hereby amended to read as follows:

Limitation
of expenses.

Section 27. The expenses of a credit union shall be paid from its earnings. No credit union shall pay or become liable to pay in any calendar year as salaries, fees, wages or other compensations to officers, directors, agents, attorneys, clerks and employees and for rent, advertising and all other operating expenses sums of money, the aggregate of which shall exceed three and a half per cent (3½%) of the average amount of assets of such union during such year: *Provided*, That any credit union shall not thereby be limited in its expenditures to a sum less than three hundred dollars in any calendar year. No credit union shall pay any fee, commission or other compensation, directly or indirectly, to any person for soliciting the purchase of or selling its shares of stock or for soliciting loans or deposits.

Passed the House February 16, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 66.

[H. B. 263.]

TAXATION OF PERSONAL PROPERTY.

AN ACT relating to taxation and the listing and assessment of certain kinds of personal property; and amending section 26, chapter 130, Laws of the Extraordinary Session of 1925, as amended by section 1, chapter 282, Laws of 1927 and declaring an emergency.

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

SECTION 1. That section 26, chapter 130, Laws of the Extraordinary Session of 1925, as amended by section 1, chapter 282, Laws of 1927, being section 11130 Remington's Revised Statutes, be amended to read as follows:

Amends
§ 11130 Rem.
Rev. Stat.

Section 26. Every person who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing shall be held to be a manufacturer, and he shall, when required to, make and deliver to the assessor a statement of the amount of his other personal property subject to taxes, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind and every manufacturer shall list as part of his manufacturer's stock the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind, used or designed to be used for the first aforesaid purpose: *Provided, however,* That all ore or metal shipped from without

Manufactur-
er
defined.

Personalty
listed by
manufac-
turer.

Exemptions.

Ore shipped
to smelter.

Property in
transit non-
taxable.

Transfer of
title.

Effective
immediately.

this state to any smelter or refining works within this state while in process of reduction or refinement and for thirty days after the completion of said reduction or refinement, shall be considered and held to be property in transit and non-taxable: *And provided further,* That goods, wares and merchandise manufactured or produced in any of the territories or possessions of the United States situated outside the boundaries thereof, and all raw furs produced outside the State of Washington and brought into the state for the sole purpose of transportation through and to points without the state, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, shall be considered and held to be property in transit and non-taxable if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable; and the county assessor shall list and assess all such goods, wares, and merchandise as of January 1st of each year, without regard to any average inventory, but shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the identical property so assessed was actually shipped to points outside the state on or before April 30th of such year; but no such cancellation shall be made unless such proof be furnished to the county assessor before June 1st of such year. A sale of or transfer of title to any such property, while being so transported or held in storage, shall not operate to defeat the intent or purpose of this proviso.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 67.

[H. B. 264.]

PRODUCTS IN STORAGE AWAITING TRANSPORTATION,
TAX EXEMPT.

AN ACT relating to taxation; providing for the exemption of grains and flour, fruit and fruit products, vegetables and vegetable products and fish and fish products from taxation under certain conditions; repealing chapter 58, Laws of 1937 (Remington's Revised Statutes sections 11130-1 to 11130-3 inc.); and declaring an emergency.

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

SECTION 1. For the purposes of this act:

Definitions.

The term "grains and flour" shall mean and include all raw whole grains in their usual marketable state; and grain flour in the hands of the first processor; but not any other grain product.

The term "fruit and fruit products" shall mean and include all raw edible fruits and berries; and all processed products of fruits or berries, suitable and designed for human consumption, while in the hands of the first processor.

The term "vegetables and vegetable products" shall mean and include all raw edible vegetables, such as peas, beans, beets, and other vegetables; and all processed products of vegetables, suitable and designed for human consumption, while in the hands of the first processor.

The term "fish and fish products" shall mean and include all fish and fish products suitable and designed for human consumption, excluding all others.

The term "processed" shall be construed to refer to canning, barreling, bottling, preserving, refining, freezing, packing, milling or any other method employed to keep any grain, fruit, vegetables or fish in edible condition or to put them into more suitable or convenient form for consumption, storing, shipping or marketing.

Property
in transit
non-taxable.

SEC. 2. All grains and flour, fruit and fruit products, vegetables and vegetable products, and fish and fish products, while being transported to or held in storage in a public or private warehouse shall be exempt from taxation if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable: *Provided*, That proof of shipment be furnished as required in section 3 of this act.

Listing and
assessment
January 1.

Assessment
cancelled.

SEC. 3. The county assessor shall list and assess all such grains and flour, fruit and fruit products, vegetables and vegetable products, and fish and fish products as of January 1st of each year, without regard to any average inventory; but shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the property so assessed was actually shipped to points outside the state on or before April 30th of such year: *Provided*, That no such cancellation shall be made unless such proof be furnished to the county assessor before June 1st of such year: *Provided further*, That any such assessment of grain shall also be subject to cancellation as provided in this act if sufficient documentary proof be so furnished that the grain so assessed was milled into flour and such flour was actually shipped to points outside the state on or before April 30th of such year.

Construction
of act.

SEC. 4. This act shall not be construed to amend or repeal chapter 48, Laws of 1933 or section 1, chapter 282, Laws of 1927.

Repeals
§§ 11130-1 to
11130-3 Rem.
Rev. Stat.

SEC. 5. Chapter 58, Laws of 1937, being sections 11130-1 to 11130-3 Remington's Revised Statutes, is hereby repealed, but this act shall not have the effect of terminating or modifying any rights accruing before the passage of this act.

Purpose of
act.

SEC. 6. The purpose of this act is to encourage the storage of the commodities herein defined in

the State of Washington and this act shall be liberally construed.

SEC. 7. If any portion of this act is held to be unconstitutional or void, such decision shall not affect the validity of the remaining parts of this act. Partial
invalidity.

SEC. 8. This act shall apply to the assessment of property for taxation for the year 1939 and subsequent years. It is necessary for the immediate preservation and support of the state government and its existing public institutions and shall take effect immediately. Effective
immediately.

Passed the House February 25, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 68.

[H. B. 289.]

WINDBREAKS, SHELTER BELTS AND WOOD LOTS.

AN ACT authorizing certain state departments, institutions and offices to cooperate with the government of the United States under the Clarke-McNary Act of Congress, approved June 7, 1924, and under the Cooperative Farm Forestry Act of Congress, approved May 18, 1937, and to receive and disburse funds appropriated by Congress, to be used under said acts, and declaring an emergency.

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

SECTION 1. That the division of forestry of the department of conservation and development and the State College of Washington, and each of them, are hereby authorized to receive funds from the Federal government in connection with cooperative work with the United States Department of Agriculture, authorized by sections 4 and 5 of the Clarke-McNary Act of Congress, approved June 7, 1924, providing for the procurement, protection and dis- Windbreaks,
shelter belts
and
wood-lots.

Transfer of
funds to
state college.

tribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts and farm wood lots and to assist the owners of farms in establishing, improving and renewing wood lots, shelter belts and windbreaks; and are authorized to disburse such funds as needed; and the Director of Conservation and Development is hereby further authorized to transfer to the state college the sum of two thousand thirteen dollars and sixty-seven cents (\$2,013.67) received by him from the Federal government under sections 4 and 5 of said Clarke-McNary Act of the Federal government during the years of 1937 and 1938.

Funds
received.

SEC. 2. That the Division of Forestry of the Department of Conservation and Development and the State College of Washington, upon the approval of the Director of the Department of Conservation and Development, are hereby authorized to receive funds from the Federal government for cooperative work, as authorized by the Cooperative Farm Forestry Act of Congress, approved May 18, 1937, for all purposes authorized by said act, and to disburse said funds in cooperation with the Federal government in accordance therewith.

Effective
immediately.

SEC. 3. That this act is necessary for the support of the state and its institutions and shall take effect immediately.

Passed the House February 20, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 69.

[H. B. 399.]

WITHDRAWAL OF INSURERS FROM STATE.

AN ACT relating to insurance; providing for the withdrawal of insurers from business; prescribing the procedure therefor; and amending chapter 49 of the Laws of 1911, as amended, (sections 7032 to 7298, inclusive, of Remington's Revised Statutes) by adding thereto a new section to be known as section 81A.

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

SECTION 1. That chapter 49 of the Laws of 1911, as amended, (sections 7032 to 7298, inclusive, of Remington's Revised Statutes) be amended by adding thereto a new section to be known as section 81A to read as follows:

Adds § 81A
to ch. 49,
Laws 1911.

Section 81A. No insurance company authorized to transact business in the State of Washington may withdraw from the state unless and until said insurance company shall have reinsured all of its Washington business in another insurance company authorized to transact business in the State of Washington, under a reinsurance contract approved by the Insurance Commissioner.

Reinsurance.

Passed the House March 2, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 70.

[S. B. 104.]

WRITS OF GARNISHMENT DIRECTED TO BANKS.

AN ACT relating to writs of garnishment issued out of justice courts; providing the manner of service when directed to banks or banking associations maintaining branch offices; and amending section 6 of chapter 160 of the Session Laws of 1909, being section 1828 of Remington's Revised Statutes.

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

SECTION 1. That section 6 of chapter 160 of the Session Laws of 1909, being section 1828 of Remington's Revised Statutes, be amended to read as follows:

Section 6. The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives, or it may be served by any citizen of the State of Washington over the age of twenty-one years and not a party to the action in which it is issued, in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or banking association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer of such bank or banking association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. And in case such writ is served by an officer, such officer shall make his return thereon, showing the time, place and manner of service and noting thereon his fees for making such service, and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such

Amends
§ 1828 Rem.
Rev. Stat.

Service
of writ.

Bank as
garnishee.

service and the time, place and manner of making service, but no fee shall be allowed for the service of such writ unless the same is served by an officer.

Passed the Senate February 11, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 71.

[S. B. 108.]

DIP NET LICENSE.

AN ACT regulating the taking of eulachon, smelt, candlefish or herring in the State of Washington, providing a license fee for the commercial taking thereof, amending section 51B of chapter 31, Laws of 1915, as enacted in and by section 2, chapter 133, Laws of 1931, being section 5704b, Remington's Revised Statutes.

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

SECTION 1. That section 51B of chapter 31, Laws of 1915, as enacted in and by section 2, chapter 133, Laws of 1931, (section 5704b, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 5704b Rem.
Rev. Stat.

Section 51B. There shall be paid for each dip-bag net license for the taking of eulachon, smelt, candlefish or herring for commercial purposes in the State of Washington, a fee of five dollars (\$5.00): *Provided, however,* That any one person may at any time take not to exceed twenty (20) pounds of eulachon, smelt, candlefish or herring in any one day for the personal use of such person in areas where commercial fishing is permitted.

License
fee.

Catch
limit.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Acts
repealed.

Passed the Senate February 8, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 72.

[S. B. 115.]

ALIEN AND NON-RESIDENT INSANE PERSONS.

AN ACT relating to alien and non-resident insane, feeble minded, and epileptic persons, providing for their deportation, making it unlawful to bring or aid in bringing an insane, feeble minded, or epileptic person into the state without having obtained permission and providing a penalty therefor, and amending sections 6933, 6934, 6935 and 6936, Remington's Revised Statutes of Washington.

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

Amends § 6933 Rem. Rev. Stat.

SECTION 1. That section 6933, Remington's Revised Statutes be amended to read as follows:

Deportation of insane aliens.

Section 6933. It shall be the duty of the Director of Business Control to, in co-operation with the United States bureau of immigration, arrange for the deportation of all alien insane, feeble minded, and epileptic persons who are now confined in or who may hereafter be committed to any state hospital for the insane, feeble minded and epileptic in this state, such alien insane, feeble minded and epileptic persons to be transported to such point or points as may be designated by the United States bureau of immigration.

Amends § 6934 Rem. Rev. Stat.

SEC. 2. That section 6934, Remington's Revised Statutes be amended to read as follows:

Deportation of non-residents.

Section 6934. The Director of Business Control shall also return all non-resident insane, feeble minded and epileptic persons who are now confined in or who may hereafter be committed to a state hospital for the insane, feeble minded and epileptic in this state to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state or states for the mutual exchange of insane, feeble minded and epileptic persons now confined

in or hereafter committed to any hospital for the insane, feeble minded and epileptic in one state whose legal residence is in the other, and he is authorized and empowered to give written permission for the return of any resident or residents of Washington now or hereafter confined in a hospital for the insane, feeble minded and epileptic in another state: *Provided, however,* That the state making the request for the return of such insane, feeble minded and epileptic person or persons, shall have, through the proper authorities, entered into the agreement herein authorized.

A person shall be deemed to be a resident of this state within the meaning of this act who shall have lived continuously in the state for a period of two years without receiving assistance from any tax supported organization and who has not acquired a residence in another state by living continuously therein for at least two years subsequent to his residence in this state: *Provided, however,* That the time spent in a hospital for the insane, feeble minded and epileptic or on parole therefrom shall not be counted in determining the matter of residence in this or another state.

Deemed
resident,
when.

All expenses incurred in returning insane, feeble minded and epileptic persons from this to another state may be paid by the State of Washington, but the expense of returning residents of this state shall be borne by the state making the return.

SEC. 3. That section 6935, Remington's Revised Statutes be amended to read as follows:

Amends
§ 6935, Rem.
Rev. Stat.

Section 6935. For the purpose of carrying out the provisions of this act the Director of Business Control may employ all help necessary in arranging for and transporting such alien and non-resident insane, feeble minded and epileptic persons, and the cost and expenses of providing such assistance and all expenses incurred in effecting the transportation of

Expense of
deportation.

such alien and non-resident insane, feeble minded and epileptic persons shall be paid from the funds appropriated for that purpose upon vouchers approved by the Director of Business Control and the superintendent of the hospital for the insane, feeble minded and epileptic from which such persons are transported.

Amends
§ 6936 Rem.
Rev. Stat.

SEC. 4. That section 6936, Remington's Revised Statutes be amended to read as follows:

Bringing
insane
persons into
the state.

Section 6936. Any person who shall bring or in any way aid in bringing any insane, feeble minded or epileptic person into the State of Washington without having first obtained permission in writing from the Director of Business Control, shall be guilty of a gross misdemeanor: *Provided, however,* That this section shall not apply to an officer, agent or employe of a common carrier for anything done in the line of duty.

Passed the Senate February 6, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 73.

[S. B. 146.]

TIMBER LAND RELEASED FROM RESERVATION.

AN ACT relating to state lands and providing for the elimination of certain tracts from the reservation made by chapter 175 of the Session Laws of 1933.

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

SECTION 1. Lots 1, 2, 3 and 4, the E $\frac{1}{2}$ of W $\frac{1}{2}$ and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of section 19 and the SW $\frac{1}{4}$ of section 20, both in township 27 north, range 12 west, W. M., in Jefferson County, be and the same are hereby released from the reservation for "State Sustained Yield Forest No. 1" as provided in section 1, chapter 175 of the Session Laws of 1933.

Passed the Senate February 16, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 74.

[S. B. 164.]

COURT REPORTERS AT GRAND JURY SESSIONS.

AN ACT relating to the officers of the grand jury, defining their powers and duties, amending section 982, Code of 1881, and declaring an emergency.

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

Amends
§ 2030 Rem.
Rev. Stat.;
§ 9237 P. C.

SECTION 1. Section 982 of the Code of 1881 (section 2030 of Remington's Revised Statutes; section 9237 of Pierce's Code) is hereby amended to read as follows:

Court
reporter.

Section 982. A foreman of the grand jury shall be appointed by the court, who may remove him and appoint another at any time, and such foreman shall have power to administer all oaths and affirmations to witnesses who shall appear before such grand jury, and the jury may appoint one of their number as clerk to keep a minute of their proceedings: *Provided*, That nothing in this act shall be construed to limit the power of the court to appoint a court reporter to be in attendance at all times when the grand jury is in session to take a record of their proceedings.

Effective
immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 4, 1939.

Passed the House March 8, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 75.

[S. B. 228.]

HOME INDUSTRIES FOR ASSISTANCE OF BLIND
PERSONS.

AN ACT establishing within the department of social security a division for improving the condition of the blind and for the prevention of blindness and prescribing the power and duties thereof; establishing a home industries revolving fund to assist the blind to become self-supporting and amending section 5 of chapter 132 of the Laws of 1937, being Remington's Revised Statutes 10007-3.

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

SECTION 1. That section 5 of chapter 132 of the Laws of 1937, being Remington's Revised Statutes 10007-3, be amended to read as follows:

Amends
§ 10007-3
Rem. Rev.
Stat.

Section 5. Authority is hereby granted to the department of social security to create an operating fund of fifteen thousand dollars (\$15,000.00) from any money appropriated for the division for the blind to be used to create a home industries revolving fund for the purpose of advancing the cost of production and wages for the blind engaged in industry under the supervision of the division for the blind and to promote the sale of articles produced by such industry. All money received from the sale of articles produced in industries of the blind under the supervision of the division for the blind shall be deposited in said home industries revolving fund. If there shall be in said fund at the end of any quarter unobligated money in excess of fifteen thousand dollars (\$15,000.00), then such excess shall be placed in the general fund. The department shall keep separate books of account for the industries of the division of the blind.

Home
industries
revolving
fund.

Passed the Senate February 27, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 76.

[S. B. 257.]

DESCHUTES WATERWAY VACATED.

AN ACT relating to the vacation of the DesChutes waterway in the city of Olympia.

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

SECTION 1. The Commissioner of Public Lands of the State of Washington shall be and he is hereby authorized to vacate that portion of the DesChutes waterway lying southerly of a line running from the southwest corner of block 99 to the southeast corner of block 344, Olympia tide lands, as shown on the official map of said tide lands on file in the office of the Commissioner of Public Lands at Olympia, Washington. The title to such vacated portion of said DesChutes waterway shall vest in the State of Washington regardless of the provisions of section 118, chapter 255 of the Laws of 1927, the same being section 7797-118 of Remington's Revised Statutes.

Title
vested.

Passed the Senate February 23, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 77.

[S. B. 289.]

STATE LANDS DEDICATED TO CITY OF SEATTLE.

AN Act dedicating to the city of Seattle certain lands lying within section 16, township 25 north, range 4 east, W. M., for street and/or boulevard purposes.

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

SECTION 1. That the following described lands in King county, Washington, to-wit:

That portion of section 16, township 25 north, range 4 east, W. M., described as follows:

A portion of the northwest quarter of said section, beginning at the northwest corner thereof; thence on the west line thereof south $0^{\circ} 58' 58''$ west 35.00 feet to a point on the south line of east 45th street in said section, thence on said south line south $89^{\circ} 57' 47''$ east 1637.16 feet to an intersection with the east line extended south of 21st avenue northeast as platted in Campus Addition to Seattle, Washington, and the true place of beginning;

Thence continuing on the said south line of east 45th street south $89^{\circ} 57' 47''$ east 237.82 feet to a point on the arc of a curve, from which said point the center of said curve bears south $3^{\circ} 38' 01''$ east 976.00 feet; thence with a radius of 976.00 feet following the arc of said curve to the left in a westerly direction a distance of 50.94 feet to a point of reverse curve, through which said point the radii of said curves bear north $6^{\circ} 37' 27''$ west; thence with a radius of 1024.00 feet following the arc of said curve to the right in a westerly direction a distance of 119.05 feet to a point of tangency on a line that is 11.50 feet south of, and parallel to the south line of the said east 45th street; thence on said parallel line north $89^{\circ} 57' 47''$ west 68.34 feet to a point on the extended east line of 21st avenue northeast;

Description.

thence on said extended east line north $0^{\circ}11'48''$ east 11.50 feet to the true place of beginning.

Also a part of the north half of the said section 16. Beginning at the northeast corner of the northwest quarter of said section; thence south $0^{\circ}09'58''$ east 35.00 feet to a point on the south line of east 45th street and the true place of beginning; thence on said south line south $89^{\circ}57'47''$ east 80.00 feet; thence south $0^{\circ}09'58''$ east 130.70 feet to a point of curve to the right; thence with a radius of 2904.93 feet following the arc of said curve in a southerly direction, a distance of 403.41 feet to a point on the arc of a curve forming the northwesterly margin of Montlake boulevard, and from which the center of the curve of this description bears north $82^{\circ}12'34''$ west 2904.93 feet and the center of the curve forming the margin of Montlake boulevard bears south $64^{\circ}04'38''$ east 1070.00 feet; thence from said point, following the said margin of Montlake boulevard in a southwesterly direction a distance of 271.82 feet to a point of tangency; thence on said tangent south $11^{\circ}22'02''$ west 14.74 feet to a point of curve to the left; thence with a radius of 20.06 feet following the arc of said curve a distance of 60.83 feet; thence north $11^{\circ}22'02''$ east 104.63 feet to a point of curve to the left; thence with a radius of 2824.93 feet following the arc of said curve in a northerly direction a distance of 568.64 feet to a point of tangency; thence on said tangent north $0^{\circ}09'58''$ west 130.99 feet to the true place of beginning; be and the same are hereby dedicated to the city of Seattle, a municipal corporation, to be used for street and/or boulevard purposes, together with the right and authority in said city to extend the necessary slopes, fills and cuts upon and over the property abutting thereon in the improvement and reimprovement of said street and/or boulevard: *Provided, however,* That if the said city of Seattle shall ever use, or

permit the use of said land, for any purpose other than in this act provided, the same shall at once revert to the State of Washington, without any suit or action in any court and without any action on the part of the state whatsoever. Reversion.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 78.

[S. B. 333.]

DISABILITY COMPENSATION FOR WASHINGTON STATE PATROL.

AN ACT relating to the Washington state patrol; authorizing the chief of the Washington state patrol to relieve from active duty certain officers who have been injured or have become incapacitated during official service; directing a study of a retirement system for the Washington state patrol; providing that this act shall be effective until March 31, 1941, and declaring an emergency.

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

SECTION 1. From and after the effective date of this act and until March 31, 1941, the chief of the Washington state patrol is hereby authorized to relieve from active duty Washington state patrol officers who, while in performance of their official duties, have been injured or have become incapacitated, or may hereafter be injured or become incapacitated, to such an extent as to be physically or mentally incapable of active service. Injured or disabled officers relieved from duty.

SEC. 2. Washington state patrol officers relieved from active duty in accordance with this act shall receive one-half ($\frac{1}{2}$) of their compensation at the time so relieved of duty, during the time such disability continues in effect, less any compensation Disability compensation.

Examination. received through the department of labor and industries. Such officers shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the Washington state patrol at any time during the period this act is effective, for the purpose of ascertaining whether or not they are able to resume active duty.

Disability retirement system.

SEC. 3. The chief of the Washington state patrol is hereby authorized and directed to prepare a study of a disability retirement system for the Washington state patrol officers and submit the same, together with recommendations for legislation to the 1941 session of the legislature. The Attorney General and the State Insurance Commissioner are hereby directed to cooperate with the chief of the Washington state patrol in the making of such study and recommendations.

Effective immediately.

SEC. 4. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the Senate March 2, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 79.

[S. B. 372.]

GROUP LIFE INSURANCE.

AN ACT relating to group life insurance and repealing chapter 300 of the Laws of 1927 and chapter 129 of the Laws of 1929.

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

Group life insurance for employees.

SECTION 1. Group life insurance is hereby declared to be that form of life insurance covering not less than twenty-five (25) employees with or

without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and the employees jointly, and insuring all of said employees, or all of any class or classes thereof determined by the conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer, except, that when the premium is to be paid by the employer and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum (75%) of such employees may be so insured. The term "employees" may include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals, is controlled by a common employer through stock ownership, contract or otherwise.

SEC. 2. The following forms of life insurance, in addition to those described herein are hereby declared to be group life insurance within the meaning of this act:

(a) Life insurance covering not less than twenty-five (25) of the members of one (1) or more companies, batteries, troops or other units of the national guard of any state, written under a policy issued to the commanding officer of such unit or units of the national guard who shall be deemed to be the employer for the purposes of this act, the premium on which is to be paid by the members of such unit or units for the benefit of persons other than the employer, except that when the benefits of the policy are offered to all eligible members of such unit or units, not less than seventy-five per centum

For National
Guard units.

(75%) of the members of such unit or units may be so insured.

For State Troopers.

(b) Life insurance covering not less than twenty-five (25) of the members of one (1) or more troops or other units of the state troopers or state police of any state, written under a policy issued to the commanding officer of the state troopers or state police who shall be deemed to be the employer for the purposes of this act, the premium on which is to be paid by the members of such units for the benefit of persons other than the employer, except that when the benefits of the policy are offered to all eligible members of such units, not less than seventy-five per centum (75%) of the members of such units may be so insured.

For labor union groups.

(c) Life insurance covering the members of any labor union, written under a policy issued to such union which shall be deemed to be the employer for the purposes of this act, the premium on which is to be paid by the union or by the union and its members jointly, and insuring only all of its members who are actively employed, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or its officials: *Provided*, That where the insurance policy is cancellable at the end of any policy year at the option of the insurance company or the basis of premium rates may be changed by the insurance company at the beginning of any policy year, all members of a labor union may be insured: *Provided, further*, That when the premium is to be paid by the union and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per centum (75%) of such members may be so insured.

For associations.

(d) Life insurance covering all and not less than five hundred (500) members of any association not formed for the purpose of procuring insurance,

written under a policy issued to such association which shall be deemed to be the employer for the purposes of this act, the premium on which is to be paid by the association, or by the association and its members jointly, for the benefit of persons other than the association, or its officials, except that when the premium is to be paid by the association and its members jointly, and the benefits are offered to all eligible members, not less than seventy-five per centum (75%) of such members may be so insured.

(e) Life insurance covering a group of persons who at any time are debtors of a financial or other institution including its subsidiary or affiliated institutions, if any, or of the vendor of any property for its purchase price, under agreements to pay any such indebtedness, or any balance thereof, in installments over a period of not more than ten (10) years, written under a policy issued, with or without medical examination, and made payable to such creditor or the assignee of the indebtedness, as his interest may appear, and insuring the life of each debtor for an amount not exceeding his individual indebtedness and not exceeding two thousand five hundred dollars (\$2,500): *Provided*, That not less than one hundred (100) persons shall become insured under such a group policy each year after its date of issue. In case the amount of the premium charged the creditor by the insurer for insurance on the life of a debtor under a policy issued under this act is paid by the debtor to the creditor, such payment shall not be deemed to constitute a charge upon a loan in violation of any usury law.

To cover
indebtedness.

SEC. 3. No policy of group life insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the State Insurance Commissioner and formally approved by him; nor shall such policy be so issued

Form of
policy.

Approval.

or delivered unless it contains in substance the following provisions:

Requisites.

(1) A provision that the policy shall be incontestable after two (2) years from its date of issue, except for non-payment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

(2) A provision that the policy and the application or applications submitted in connection therewith shall constitute the entire contract between the parties, and that all statements contained in any such application shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy unless it is contained in a written application.

(3) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of the person insured.

(4) A provision that the company will issue to the employer or association, except as to policies issued as hereinabove provided to insure the lives of debtors, for delivery to each person whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with a provision, except as to policies issued as hereinabove provided to insure members of an association under the provisions of subdivision (d) of section 2 of this act, that in the case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability, and upon application made to the company within thirty-one (31) days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and

amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

(5) A provision that from time to time all new employees or members eligible for insurance in accordance with the policy provisions, and desiring the same shall be added to the group or class thereof originally insured. Except as provided in this act it shall be unlawful to make a contract of life insurance covering a group in this state.

SEC. 4. Policies of group life insurance when issued in this state by any company not organized under the laws of this state, may contain, when issued, any provision required by the laws of the state, or territory, or district of the United States under which the company is organized; and policies issued in other states or countries by companies organized in this state, may contain any provision required by the laws of the state, territory, district or country, in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this state which in the opinion of the State Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to those insured under such policies than hereinbefore required.

Other than domestic companies.

SEC. 5. No domestic life insurance company shall issue any policy of group life insurance, the premium for which shall be less than the net premium based on the American men ultimate table of mortality, with interest at three and one-half per centum ($3\frac{1}{2}\%$) per annum, plus a loading, the formula for the computation of which shall be approved by the Insurance Commissioner, and no policy providing for the premiums being paid by the union or associa-

Restrictions.

Premiums.

tion and members jointly shall be issued under subdivisions (c) and (d) of this act where the amount of premium to be contributed by each such member exceeds \$1.00 per month per \$1000.00 of insurance. A foreign life insurance company which shall not conduct its business in accordance with this requirement shall not be permitted to do business in this state. Any such policy may, however, anything in this act to the contrary notwithstanding, provide for a readjustment of the rate based on experience at the end of the first or any subsequent year of insurance, which readjustment may be made retroactive for such policy year only.

Legal minimum standard.

SEC. 6. The legal minimum standard for the valuation of group term insurance policies under which premium rates are not guaranteed for a period in excess of five (5) years shall be the American men ultimate table of mortality with interest at three and one-half per centum ($3\frac{1}{2}\%$) per annum.

Employer deemed to be policyholder.

SEC. 7. In every group policy issued by a domestic life insurance company, the employer or association shall be deemed to be the policy holder for all purposes within the meaning of this act, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

Repeals § 7242-1 to 7242-5 Rem. Rev. Stat.

SEC. 8. Chapter 300 of the Laws of 1927 (section 7242-1 to 7242-5 inclusive of Remington's Revised Statutes) and chapter 129 of the Laws of 1929 (section 7242-1 of Remington's Revised Statutes) are hereby repealed.

Passed the Senate March 3, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 80.

[S. B. 391.]

TESTING LABORATORY.

AN ACT reappropriating a certain sum from the motor vehicle fund for testing laboratory site and equipment, including the purchase and improvement of land and the erection of buildings, including the necessary salaries and wages incident thereto, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the director of highways and the department of highways for testing laboratory site and equipment, which shall include the purchase and improvement of land and the erection of buildings, including the necessary salaries and wages incident thereto, the sum of seventy two thousand eight hundred seven dollars (\$72,807), the same being the unexpended balance of the appropriation contained in section 3, chapter 230, Laws of 1937, as shown by the State Auditor's books on December 31, 1938: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 3, chapter 230, Laws of 1937.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 81.

[S. B. 420.]

TRAFFIC DEVICES.

AN ACT relating to public highways; providing for traffic devices in incorporated cities and towns; defining the powers and duties of state and other officers; amending section 52 of chapter 53 of the Session Laws of 1937; and declaring an emergency.

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

SECTION 1. That section 52 of chapter 53 of the Session Laws of 1937 be and the same is hereby amended to read as follows:

Section 52. It is hereby declared to be the duty of local authorities in their respective jurisdictions to place and maintain such traffic devices upon public highways under their jurisdiction as may be necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn or guide traffic. The government authorities of incorporated cities and towns shall adequately equip with traffic devices, those city streets which are designated as forming a part of the route of a primary state highway, and those city streets which constitute connecting roads and secondary state highways to any such incorporated cities and towns. All traffic devices, signs, signals and markers shall comply in every respect with the uniform state standard for the manufacture, display, direction and location of all signs, signals, sign boards, guide posts and other traffic devices as adopted and designated by the director of highways. The design, location, erection and operation of any and all traffic devices and traffic control signals upon those city streets constituting either the route of a primary state highway to incorporated cities and towns or connecting streets to secondary state highways through incorporated

Amends § 52, ch. 53, Laws 1937.

Local authorities to maintain traffic devices.

Secondary state highways.

Uniform state standard.

Primary state highways.

cities and towns shall be under the direction and supervision of the director of highways, and in the event that any city shall fail or refuse to comply with any directions for the design, location, erection or operation of any such traffic devices or traffic control signals, the director of highways shall provide for the design, location, erection or operation thereof, and any cost incurred therefor be chargeable to and payable from, any funds in the motor vehicle fund of the State of Washington, which have or may accrue to the credit of such incorporated city and town, and the State Auditor is directed and empowered to issue warrants therefor upon vouchers submitted and approved by the director of highways.

Director of
highways.

SEC. 2. This act is necessary for the preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Effective
immediately.

Passed the Senate March 6, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 82.

[S. B. 469.]

REGISTRAR OF VOTERS.

AN ACT relating to the registration of voters, providing for deputy registrars and for payment of expenses of registration, and amending section 4, chapter 1, Laws of 1933 (section 5114-4, Remington's Revised Statutes).

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

SECTION 1. Section 4, chapter 1, Laws of 1933 (section 5114-4, Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 5114-4, Rem.
Rev. Stat.

Section 4. The registrar of voters, deputy registrars of voters, and such clerks in his office as the

Oaths.

Administra-
tion.

Expense of
registration.

registrar of voters shall deputize to take registrations, shall take and subscribe to the following oath or affirmation before taking any registrations: "I, A. B., do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgment and abilities, and that I will register no person except upon his personal application before me." This oath shall be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the registrar. The registrar and all persons authorized by him under the provisions of this act to take registrations, after themselves taking and subscribing to the above oath, are hereby authorized to administer such oaths and affidavits as are required by this act. The expense of registration in all cities and towns shall be paid by such cities and towns, respectively, the expense of registration in precincts outside cities and towns shall be paid by the county in which such precincts, respectively, are situated, and the expense of registration in precincts lying partly within and partly outside of any city or town shall be apportioned between the city or town and the county in which the balance of the precinct lies in the proportion which the number of voters registered in such precinct living in said city or town bears to the number of voters registered in said precinct living outside said city or town.

Passed the Senate March 3, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 83.

[S. B. 487.]

FORTY MILL TAX LEVY REFERENDUM.

AN ACT relating to the taxation of real and personal property and limiting the aggregate annual rate of levy thereon for all purposes to forty mills, and submitting this act to the people for their approval or rejection at the general election in November, 1940.

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

SECTION 1. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the support of the University of Washington, Washington State College and the State Colleges of Education; the levy by any county shall not exceed ten mills including any levy for the county school fund required by law, the levy by or for any school district shall not exceed ten mills, the levy for any road district shall not exceed three mills, and the levy by any city or town shall not exceed fifteen mills: *Provided*, That nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district: *Provided, further*, That the limitations imposed by this section shall not prevent the levy of additional taxes, not in excess of five mills per annum and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obliga-

Forty mill limit.

Levy.

Port or power district.

Additional taxes.

tion bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, nor the levy of additional taxes to pay interest on or toward the reduction, at the rate provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 8, 1932; but the millage limitation of this proviso with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts: *Provided, further,* That any county, school district, city or town shall have the power to levy taxes at a rate in excess of the rate specified in this act, when authorized so to do by the electors of such county, school district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than once in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council or other governing body of any city or town, by giving notice thereof for two successive weeks by publication and posting in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "YES", and those opposed thereto to vote "NO": *Provided,* That the total number of persons voting at such special election shall constitute forty per cent of the voters in said taxing district who voted for the office of governor at the next preceding gubernatorial election.

Electors may
authorize
excess levy

Special
election.

Form.

Referendum.

SEC. 2. This act shall be referred and submitted to the people for their approval and ratification or

rejection at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, by the officers and in the manner provided by section 5416 of Remington's Revised Statutes.

Passed the Senate March 7, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 10, 1939.

CHAPTER 84.

[S. B. 109.]

TUNA FISH.

AN ACT relating to tuna, providing for a privilege fee thereon, defining offenses, providing penalties and creating a lien on canneries, packing plants, warehouses, scows and boats, and declaring that this act shall take effect March 31st, 1939.

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

SECTION 1. There shall be paid to the State Treasurer by every person, firm or corporation operating within the State of Washington as a canner, buyer, freezer, wholesale dealer or broker for the privilege of operating within the State of Washington as a canner, buyer, freezer, wholesale dealer or broker in addition to all other licenses or fees provided by law the sum of two and one-half cents ($2\frac{1}{2}\phi$) per 100 pounds upon all tuna handled.

Privilege
tax.

The privilege fee herein required shall be paid to the State Treasurer on March 1 and September 1 or at such other times as the director of fisheries may order and direct. For the purposes of determining the amount of tuna handled, each person, firm or corporation subject to the provisions of this act shall furnish the State Treasurer with a report showing the total number of pounds of tuna received, the total

Report.

weight to be computed in the round, upon blanks furnished upon request by the director of fisheries. It shall be the duty of the State Treasurer upon receipt of any such report to endorse thereon his duplicate receipt for taxes, charges and fees, if any, accompanying the report and transmit the report to the director of fisheries and deposit the monies received in the state treasury to the credit of the fisheries fund.

Determina-
tion of
disputes
final.

It is the intention of this act that only one privilege fee shall be collected for each and every pound of tuna handled and in order that this end may be accomplished, the director of fisheries and the State Treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Lien.

The privilege fee herein required shall constitute a first lien upon the cannery, packing plant, warehouse, scow or boat and any other equipment used in the handling or canning of said tuna.

The State Treasurer and the director of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the privilege fee herein required and may in their discretion require a bond from any such person, firm or corporation engaged in the business of buying or handling tuna or in the canning of tuna, guaranteeing the payment of said fee.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the State Treasurer or the director of fisheries or to violate any of the provisions of this section.

Penalty.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined

not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1939. Effective immediately.

Passed the Senate March 2, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 85.

[S. B. 110.]

FLOOD CONTROL.

AN ACT relating to flood control and the powers and duties of the supervisor of hydraulics relative thereto and amending sections 6 and 7, chapter 159, Laws of 1935.

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

SECTION 1. That section 6, chapter 159, Laws of 1935, be and the same is hereby amended to read as follows: Amends
§ 6, ch. 159,
Laws 1937.

Section 6. With respect to such features as may affect flood conditions, the state supervisor of hydraulics shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the flood plain or floodway of any stream or body of water in this state. Approval of
structures.

SEC. 2. That section 7 of chapter 159, Laws of 1935, be amended to read as follows: Amends
§ 7, ch. 159,
Laws 1935.

Section 7. Any existing structures or works hereafter reconstructed or modified and their opera-

Abatement
of public
nuisance.

tion or maintenance, and any structures or works hereafter constructed, operated or maintained in violation of any order or orders of the state supervisor of hydraulics, issued under the provisions of this act, shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the prosecuting attorney of the county wherein such structures or works, or the major portion thereof, are situated to institute abatement proceedings against the owner or owners of such structures or works, whenever he is requested to do so by the state supervisor of hydraulics.

Passed the Senate February 23, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 86.

[S. B. 188.]

TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the operation of the State Teachers' Retirement System; amending sections 1, 4, 5, 6, 7, 8 and 12 of chapter 221 of the Laws of 1937 (sections 4995-1, 4995-4, 4995-5, 4995-6, 4995-7, 4995-8 and 4995-12 of Remington's Revised Statutes), and further amending chapter 221 of the Laws of 1937 (sections 4995-1 to 4995-12, both inclusive, of Remington's Revised Statutes) by adding a new section, to be known as section 4a, extending the provisions of the act to teachers at certain public institutions.

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

Amends
§ 4995-1
Rem. Rev.
Stat.

SECTION 1. That section 1 of chapter 221 of the Laws of 1937 (section 4995-1 of Remington's Revised Statutes) be amended to read as follows:

Definitions.

Section 1. The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meaning:

- (1) "Accumulated Contributions" shall mean the sum of all regular contributions and prior service contributions, together with regular interest thereon; "Accumulated Contributions."
- (2) "Actuarial Equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board of trustees, and regular interest; "Actuarial equivalent."
- (3a) "Annuity" shall mean annual payments for life derived from the accumulated contributions of a member; "Annuity."
- (3b) "Disability Allowance" shall mean monthly payments during disability as provided in section 8, paragraph 7; "Disability allowance."
- (4) "Annuity Guarantee Allowance" shall mean funds taken from the pension fund to make up the difference between forty dollars (\$40) per month and the sum of the pension allowance and annuity earned; "Annuity guarantee allowance."
- (5) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act; "Beneficiary."
- (6) "Board of Trustees" shall mean the board provided for in section 3 of this act to administer the retirement system; "Board of trustees."
- (7) "Contract" shall mean any agreement to render service as a teacher, between a teacher and a board of directors or superintendent or other employer or authority authorized to employ teachers for and in the public schools of this state; "Contract."
- (8) "Creditable Service" shall mean prior service plus membership service for which credit is allowed as provided in section 5 of this act; "Creditable service."
- (9) "Earnable Compensation" shall mean the full rate of compensation that would be payable to a teacher if he worked the full normal working time during a school year, except that any part of any salary in excess of two thousand dollars (\$2,000) "Earnable compensation."

per annum shall be excluded in determining the earnable compensation of a member. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money;

"Fiscal Year."

(10) "Fiscal year" shall mean a calendar year which shall begin July 1 and end June 30 of the following year;

"Employer."

(11) "Employer" shall mean the State of Washington, the school district, or other agency of and within the state by which a teacher is paid;

"Former state fund."

(12) "Former State Fund" shall mean the state retirement fund in operation for teachers prior to the enactment of this act under the provisions of chapter 187 of the Laws of 1923 as amended;

"Local fund."

(13) "Local Fund" shall mean any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163 of the Laws of 1917 as amended;

"Medical director."

(14) "Medical Director" shall mean the physician provided for in section 3 of this act;

"Member."

(15) "Member" shall mean any teacher included in the membership of the retirement system as provided in section 4 of this act;

"Membership service."

(16) "Membership Service" shall mean service as a teacher rendered while a member of the retirement system;

"Pensions."

(17) "Pensions" shall mean annual payments for life derived from money appropriated by the legislature, and from gifts and bequests, and any other funds hereafter set over to the pension fund, and money derived from contributions of members as provided in paragraph 4, subdivision (b) of section 6. All pensions shall be payable in equal quarterly installments;

"Pension reserve."

(17a) "Pension Reserve" shall mean the fund established by appropriations made by the legislature to the pension fund of the retirement system to

liquidate the accrued liabilities of the retirement system on the date it became effective, and to establish and maintain a reserve fund for payment of pensions under this act;

(18) "Prior Service" shall mean service rendered prior to the date of membership in the retirement system for which credit is allowable under section 5 of this act;

"Prior service."

(19) "Prior Service Contribution" shall mean contribution made by Class B members as members of any local fund or of the former state fund, credited as provided in paragraph 6 of section 7; or contribution of Class B members or Class C members payable to secure credit as if prior service had been rendered and credited as a member in a local fund or the former state fund as provided in paragraph 4, subdivision (b) of section 6;

"Prior service contribution."

(20) "Public School" shall mean any school conducted within this state under the authority and supervision of a duly elected board of directors of a regularly designated school district or of the State Board of Education;

"Public school."

(21) "Regular Contribution" shall mean the amounts required to be deducted from the compensation of a member subsequent to the date the retirement system becomes operative and credited to his individual account in the annuity fund as provided in section 6 of this act;

"Regular contribution."

(22) "Regular Interest" shall mean interest at the rate of three and one-half per cent (3½%) per annum compounded annually;

"Regular interest."

(23) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act;

"Retirement."

(24) "Retirement Allowance" shall mean the sum of the annuity and the pension or any optional benefits payable in lieu thereof;

"Retirement allowance."

"Retirement system."

(25) "Retirement System" shall mean the Washington State Teachers' Retirement System, provided for in this act;

"Service."

(26) "Service" shall mean service as a teacher as described in subdivision (27) of this section, and paid for by the State of Washington or by a regularly designated school district of the state or other employer as hereinbefore defined;

"Teacher."

(27) The word "teacher" wherever used in this act shall be held and construed to mean and include any person regularly employed and qualified as a teacher, instructor, principal, supervisor, state, county or city superintendent in the public schools of this state, or as assistant to any such teacher, instructor, principal, supervisor or superintendent: *Provided*, That an assistant shall mean such person only as is engaged in educational work and is qualified as a teacher: *Provided, further*, That in all cases of doubt the board of trustees hereinbefore defined shall determine whether any person is a teacher as defined by this act;

(28) The masculine pronoun shall include both sexes.

Amends
§ 4995-4 Rem.
Rev. Stat.

SEC. 2. That section 4 of chapter 221 of the Laws of 1937 (section 4995-4 of Remington's Revised Statutes) be amended to read as follows:

Membership.

Section 4. The membership of the retirement system shall be composed of all teachers in the public schools of the State of Washington who were such on the first day of April, 1938, and all teachers entering the service subsequent thereto: *Provided*, That any teacher who held a valid teacher's contract for the year ending June 30, 1938, entitling him to teach within the State of Washington and who filed a written statement declaring his desire not to become a member of the retirement system, in accordance with the provisions of section 4 of chapter 221, Laws of 1937, and has never cancelled or withdrawn such

written declaration not to become a member as provided in said section, shall not be included as a member hereof.

Members who have not served in a public school of the State of Washington prior to the date this law becomes operative shall be Class A members.

Class A
members.

Members who were members of a local fund or of the former state fund on the date this law becomes operative shall be Class B members.

Class B
members.

All other members shall be Class C members.

Class C
members.

Should any member in a period of six (6) consecutive years after last becoming a member, be unemployed as a teacher more than five (5) years or should he withdraw his accumulated contribution or should he become a beneficiary, he shall thereupon cease to be a member: *Provided*, That a member who has served thirty (30) years prior to age sixty (60) and is absent more than five (5) years prior to age sixty (60) may retain his membership by leaving his contributions in the annuity fund: *Provided, further*, That when membership ceases, for any reason except for retirement, interest on accumulated contributions shall cease: *Provided, further*, That all unclaimed accumulated contributions of teachers whose memberships have ceased shall, after the expiration of ten (10) years revert to the annuity fund and become an integral part thereof.

Termination
of
membership

SEC. 3. That chapter 221 of the Laws of 1937 (being sections 4995-1 to 4995-12 of Remington's Revised Statutes) be amended by adding a new section, to be known as section 4a, reading as follows:

Adds § 4a, to
ch. 221,
Laws 1937.

Section 4a. The provisions of this act are hereby extended to include the teachers of the Eastern Washington College of Education, Central Washington College of Education, Western Washington College of Education, State School for the Blind, State School for the Deaf, Washington State Training School, State School for Girls, the State Custodial

Provisions
of act
extended.

School at Medical Lake, Western Washington State Custodial School at Buckley, and the Washington State Reformatory at Monroe.

Amends
§ 4995-5 Rem.
Rev. Stat.

SEC. 4. That section 5 of chapter 221 of the Laws of 1937 (section 4995-5 of Remington's Revised Statutes) be amended to read as follows:

Record of
services.

Section 5. (1) Under such rules and regulations as the board of trustees shall adopt, each teacher, upon becoming a member of the retirement system shall file with the board of trustees a detailed statement of all services as a teacher rendered by him, in this state and elsewhere under the jurisdiction of the government of the United States, prior to becoming a member, together with a statement of such other facts as the board shall require: *Provided*, That the board of trustees may, at the option of a member, accept the service record of a member of a local fund or the former state fund in lieu of such detailed statement, and issue a prior service certificate to the applicant for such prior service;

(a) Service rendered for the entire school term in any district shall be credited as a year's service regardless of the length of such school term, but in no case shall more than one (1) year of service be creditable for service rendered in one (1) fiscal year: *Provided*, That service shall be credited for the fraction of the year served where service has not been rendered throughout the school term: *Provided, further*, That any service equal to or larger than four-fifths ($\frac{4}{5}$) of the entire school term shall be credited as a full year;

Prior service
certificate.

As soon as practicable after the filing of such statements of service the board of trustees shall determine the number of years of service with which a teacher applicant shall be credited under this act, and shall issue a prior service certificate to the applicant for such prior service: *However*, No credit shall be given for teaching service rendered in a dis-

trict which was under the jurisdiction of a local fund or the former state fund at the time such service was rendered, unless contributions were made to such local fund or the former state fund, during such time: *Provided, however,* That credit shall be given as provided under paragraph (4) subdivision (b) of section 6: *Provided, further,* That not more than ten (10) years of service outside this state shall be credited to a Class A member, and not more than fifteen (15) years of such service shall be credited to a Class B member, or to a Class C member;

Provided, still further, That any teacher who leaves the State of Washington after becoming a member of the retirement system may, upon being re-employed as a teacher in this state, be credited with membership service in an amount which, when added to the out-state credit for prior service, shall not exceed the total amount of out-state service credit provided for above: *Provided, also,* That satisfactory proof of such service rendered elsewhere during the interim period, as a teacher, as defined in this act, shall be furnished to the board of trustees, and contributions to the annuity fund shall be made for such credit in the same amount, either in a lump sum or in installments approved by the board of trustees, as would have been made had the teacher rendered such service in the State of Washington during the interim period;

Provided, still further, That the board of trustees may, at its discretion, allow credit for leave of absence for professional preparation to a member taking such leave of absence subsequent to last becoming a member, upon satisfactory proof of such leave of absence and the payment of contributions to the annuity fund in such an amount, either in a lump sum or in installments approved by the board of trustees, as would have been paid had such member been employed as a regular teacher in the public

Out of state
service.

Leave of
absence.

schools of this state: *Provided, also,* That not more than two such leaves of absence may be granted to any teacher, and not more than one such leave may be granted in any ten-year period of service;

Certificate void when membership ceases.

(3) So long as membership continues, a prior service certificate shall be final and conclusive evidence for retirement purposes as to such service: *Provided, however,* That any member may within one (1) year of the date of the issuance or modification of such certificate request the board of trustees to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the membership of a teacher cease and the teacher again become a member he shall enter the retirement system as provided in paragraph (3) subdivision (d) of section 6, and shall be entitled to credit for all former creditable service, and his prior service certificate shall again be in full force and effect;

Creditable service of member at retirement.

(4) Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate.

Amends § 4995-6 Rem. Rev. Stat.

SEC. 5. That section 6 of chapter 221 of the Laws of 1937 (section 4995-6 of Remington's Revised Statutes) be amended to read as follows:

Assets.

Section 6. All the assets of the retirement system shall be credited according to the purpose for which they are held to one of four funds, namely, the annuity fund, the pension fund, the disability reserve fund, and the expense fund:

Office at State Capitol.

(1) Suitable office quarters shall be provided by the State of Washington for the operation of the retirement system; such office to be located at the state capitol;

(2) It shall be the duty of the board of trustees at its regular meeting in July of each year preceding the regular session of the legislature to prepare an estimate of the total disbursements from the pension fund of the retirement system for the period included in the ensuing biennium beginning on April first following the date of the submission of said report. Said estimate shall include payments for retirement pensions as provided for herein, also all disbursements provided for in subsection (7) of section 7 as herein set forth, and an amount calculated upon accepted tables for the purpose of establishing and maintaining a pension reserve fund as provided in subsection (17a) of section 1, above. The secretary of the board shall submit all of the same to the Governor with a showing of the total amount needed for the biennium to insure the full satisfaction of the aforesaid awards and compensations. Said amount shall be appropriated by the legislature to the pension fund of the retirement system.

Estimate
of total
disburse-
ments.

(3) (a) The annuity fund shall be the fund in which shall be accumulated the contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board of trustees shall adopt, and regular interest, the actuary of the retirement system shall determine the proportion of the compensation of a teacher whose annual salary every year from the time said teacher began teaching under the provisions of this act to age sixty (60) years is twelve hundred dollars (\$1,200), which, when deducted from each payment of his prospective earnable compensation prior to the attainment of age sixty (60) and accumulated with regular interest until his attainment of such age shall be computed to provide at that time an annuity of twenty-five dollars (\$25) per month for the remainder of his life; such proportion shall be the basis of contribution of all teachers regardless of salary.

Annuity
fund.

County and
city super-
intendents to
file data.

(b) It shall be the duty of the county superintendent of schools of each county in the state and the city superintendent of each district of the first class and any other employer in the state, on or before the first day of September of each year, to file with the board of trustees of the retirement system a notice in writing on forms provided for that purpose, stating the number of the district or the name of the institution or department of the state or county, the full name of each qualified teacher employed in each district in his county or city or institution or department, the address of each teacher, the date when the employment begins, the number of contracted months, the length of the regular school term, and the annual salary of each teacher; and each employer shall report to the board of trustees on the fifth day of each succeeding month during the school year, any change in the teacher personnel under his employ; and shall notify the teacher in writing of the provisions of this act with reference to membership in the retirement system and that an application for credit for former or prior service on a form to be furnished for that purpose, may be filed with the board of trustees of the retirement system;

Salary
deductions.

The board of trustees shall certify the amount to be deducted to the employer by which the member is employed, or to the county auditor or other officer authorized to issue warrants to teachers. Such employer or auditor or other officer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period, the same proportion of his salary as was computed in subdivision (a) of paragraph (3) of this section. In determining the amount earnable by a member in a payroll period the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such pay-

roll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deductions required of any member by such an amount as shall Amount. not exceed one tenth of one per cent ($1/10$ of 1%) of the annual earnable compensation upon the basis of which such deduction is to be made: *Provided, however,* That not more than eight per cent (8%) of the annual earnable compensation of a member may be deducted for the annuity fund: *Provided, further,* That any member who shall accept the actuarial equivalent in lieu of the full amount provided in the last proviso of section 8, paragraph (1), subdivision (a), shall have his rate of deduction reduced to 5% of his annual earnable compensation.

It shall be the duty of the State Auditor and the county auditor of each county of the state and the secretary of each district of the first class, on or before the tenth day of each month of the school term, to draw warrants payable out of the appropriate funds of the state, county or several districts, respectively, and in favor of the State Treasurer, covering the amounts of deductions made from the salaries of teachers employed. The State Auditor, county auditor or secretary of a first-class district shall forthwith remit said warrants to the board of trustees of the retirement system, accompanied by a report giving the names of the teachers of each district, county or state institution or department from whose salaries deductions have been made, the amount of each deduction, the total amount of each warrant, and the number and date of each warrant. Such warrants shall be registered in the office of the state teachers retirement system and forthwith remitted to the State Treasurer, together with a detailed report segregating cash and registered warrants. Upon Deductions credited to retirement system.

State
treasurer
to credit.

the presentation of such warrants the State Treasurer and county treasurer shall transfer the amount thereof from the appropriate funds of the state, county and several districts to the State Treasurer, who shall place the amounts so received to the credit of the retirement system, and shall, by order of the board of trustees, disburse the same upon warrants issued and signed by the State Auditor;

Minimum
compensa-
tion law not
to prevent
deductions.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein, and shall receipt for his full compensation, and payment of salaries or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits provided under this act. Upon receiving the report of deductions from the State Auditor, the county auditor and secretary of a district of the first-class, each of said amounts shall be paid into said annuity fund and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deductions were made: *Provided*, That at the beginning of each fiscal year pro rata deductions on account of the expense fund shall be made from the annuity contributions of each member, in accordance with paragraph (10), section 7;

Re-entering
retirement
system.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, a member who re-enters the retirement system, and who previously withdrew his accumulated contributions shall redeposit in the annuity fund by a single payment, or by an increased rate of contribution in such amounts as shall be approved by the board, an

amount equal to the amount which he previously withdrew therefrom, and regular interest before he shall be restored to his former status;

(4) (a) The pension fund shall be the fund in which shall be deposited the appropriations made by the legislature for the purpose of creating, establishing and maintaining a fund from which pensions may be paid to members of the retirement system in accordance with the terms and provisions of this act and in the manner set out herein, and all gifts and bequests intended for the benefit of such pension fund, and any other funds hereinafter set over to the pension fund and contributions from teachers as provided in this act;

Pension fund.

(b) Any teacher entering the retirement system as a Class C member under the provisions of section 4, who wishes credit for prior service as provided in section 5, shall pay to the pension fund the contributions accumulated at four per cent (4%) compound interest, which he would have paid on account of service as a teacher rendered prior to the establishment of the retirement system had he been a member of a local fund or of the former state fund from his first date of eligibility for membership in either a local fund or the former state fund, with full credit for all former service. Any Class C member who complies with the foregoing requirement shall have all the rights and privileges of a Class B member. Any Class B member who was a member of a local fund or the former state fund who desires credit for service rendered as a teacher for which no credit has been given in the said local or former state fund, shall pay to the pension fund the contributions with four per cent (4%) compound interest which he would have paid to the local fund or the former state fund on account of such service had such service been credited: *Provided*, That the board of trustees shall transfer the same proportion of such payments to the

Class C members, credit for prior service.

Class B members, credit for prior service.

individual account of the member in the annuity fund as would have been transferred to his account if he had made such payments as regular contributions to a local fund or the former state fund. Amounts payable under this paragraph shall be made in a lump sum or in such installments as shall be approved by the board of trustees with the provision that the initial payment made at the time of application for prior service credits shall be at least equal to the amount of the interest due on the prior service contributions and that any unpaid installments at the time the member or his estate or other legal representative may become eligible for any benefit shall constitute a first, prior and paramount lien against the benefit;

Disability
reserve
fund.

Actuarial
computation
of deduction
required for
disability
allowance.

(5) The disability reserve fund shall be the fund in which shall be accumulated the contributions from the compensation of members to provide for their disability allowances. Upon the basis of such tables as the board of trustees shall adopt, and regular interest, the actuary of the retirement system shall determine for each member the proportion of compensation which, when deducted from each payment of his prospective earnable compensation for that year, will provide for a disability allowance as provided in section 8 to all members of the retirement system who shall become disabled as defined in this act during that year. The board of trustees shall cause to be made at the same time and in the same manner and in addition to deductions made as provided in subdivision (b) of paragraph (3) of this section, deductions on account of the disability reserve fund, and when so made they shall be placed in the disability reserve fund: *Provided*, That no deduction shall be made for the disability reserve fund from the salary of a member who has less than three (3) years of membership service or who has thirty (30) years or more of

creditable service and has attained age sixty (60) years.

(6) The expense fund shall be the fund from which shall be paid all necessary expenses incurred in the operation of the retirement system.

Expense fund.

SEC. 6. That section 7 of chapter 221 of the Laws of 1937 (section 4995-7 of Remington's Revised Statutes) be amended to read as follows:

Amends § 4995-7 Rem. Rev. Stat.

Section 7. (1) The board of trustees shall hold regular meetings on the first Monday of January, April, July and October of each year, and may hold as many other meetings as may be found necessary to properly transact the business of the retirement system. Special meetings may be called by the chairman of the board either on his own initiative or at the request in writing of three (3) other members of the board of trustees. At each regular meeting the board of trustees shall authorize, as provided in this act, payment of retirement allowances. The board shall authorize payment of disability allowances, salaries and other regular disbursements to be made during the succeeding three (3) months. At the first regular meeting in each fiscal year, the board shall designate two (2) of its members whose signatures shall appear upon its vouchers, as provided in paragraph (3) of this section. Retirement allowances shall be paid quarterly, and disability allowances shall be paid monthly;

Regular board meetings.

Retirement allowance.

(2) The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board of trustees from interest and other earnings on the monies of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be collected from the mem-

Interest on funds.

bers as provided in paragraph (3) subdivision (a) section 6, and any excess earnings over such amount required shall be deductible from the amounts payable by the members;

State
treasurer
custodian
of monies.

(3) The treasurer of the State of Washington shall be the custodian for all monies received by him for the retirement system. All payments from the several funds of the retirement system shall be made only upon vouchers signed by two (2) members of the board of trustees, as provided in paragraph (1) of this section. A duly attested copy of a resolution by the board of trustees designating such members and bearing on its face specimen signatures of such members shall be filed with the State Auditor as his authority for issuing warrants upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolutions of the board of trustees;

Payment
from funds.

Beneficial
interest in
investments
by officers
prohibited.

(5) Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gain or profits of any investment made by the board of trustees. No trustee or employee of the board shall, directly or indirectly for himself or as an agent in any manner use any of the assets of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for monies loaned or borrowed from the board of trustees;

Transfer
of assets.

(6) When this law becomes operative the board of trustees shall transfer the assets of each of the local funds and the assets of the former state fund to the annuity fund of the retirement system. The boards of trustees shall appraise the assets of each fund and determine the proportion of the contributions of each member of each of the local funds

and the former state fund that is on hand in the respective funds, and shall credit to each member of each of such local funds and the former state fund his pro rata share of the assets of the fund of which he was formerly a member to his individual account in the annuity fund: *Provided*, That any member of the former state fund or a local fund who shall withdraw from the retirement system as provided in section 4 shall be entitled to receive in cash his pro rata share of the assets of the fund of which he was a member;

Withdrawal
of member.

(7) The board of trustees shall use the assets of the pension fund as follows:

Expenditures
from pension
fund.

To pay allowances, both on account of retirement and disability, to retirement and disability annuitants of the local funds and the former state funds on the date this law becomes operative, as provided in sections 4995 to 5020-29, Remington's Revised Statutes, inclusive, to pay allowances as provided in paragraph (a) of subsection (1) of section 8; to pay pensions to retirement annuitants who retire under the provisions of the retirement system; to pay the difference, if any there be, between forty dollars (\$40) per month and the sum of the pension paid by the retirement system to retirement annuitants, and the annuity earned by the retired member;

(8) The board of trustees shall use the assets of the annuity fund to pay annuities to the retirement annuitants who retire under the provisions of this act, and to pay withdrawals as provided in this act;

Expenditures
from annuity
fund.

(9) The board of trustees shall use the assets of the disability reserve fund to pay disability allowances under the provisions of this act;

Expenditures
from disabili-
ty reserve
fund.

(10) At the beginning of the second fiscal year of the operation of this system, and at the beginning of each fiscal year thereafter the board of trustees

Deduction
for expenses.

shall deduct pro rata from the annuity contributions of the members of the retirement system during the previous fiscal year sufficient funds to defray the expenses of this system during the current year, and shall deposit the same in the expense fund;

Board shall
be trustees
of funds.

(11) The board of trustees shall be the trustees of the several funds created by this act as provided in section 6, and shall authorize the state finance committee to invest and reinvest such funds, subject to all the terms, conditions, limitations and restrictions imposed by the law of the State of Washington for the investment of permanent school funds; and subject to said terms, conditions, limitations and restrictions, said state finance committee shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any monies belonging to said funds: *Provided, however,* That the state finance committee shall have power to invest such funds in school warrants.

Amends
§ 4995-8 Rem.
Rev. Stat.

SEC. 7. That section 8 of chapter 221 of the Laws of 1937 (section 4995-8 of Remington's Revised Statutes) be amended to read as follows:

Retirement
restrictions.

Section 8. (1) With the provision that no member of the retirement system can retire and receive a retirement allowance until he has had either five (5) years of membership credit or an amount of credit from the former state fund or a local fund, which, when added to his membership credit, shall equal five (5) years, and with the further provisions that separation from service subsequent to the filing of the application shall not render the application invalid;

Retirement
annuity, age
and service
require-
ments.

(a) Any member having attained age sixty (60) years and having completed thirty (30) years of creditable service may retire upon written appli-

cation to the board of trustees setting forth at which time he desires to be retired. Upon retirement such member shall receive a service retirement allowance consisting of: An annuity which shall be the actuarial equivalent of his accumulated contribution at the time of retirement; and a pension of twenty dollars (\$20.00) per month to be paid from the pension fund as hereinbefore provided: *Provided*, that if the annuity earned by the member's contributions together with the pension hereinbefore mentioned, does not amount to forty dollars (\$40.00) per month, then funds shall be taken from the pension fund in amounts sufficient to make such payments forty dollars (\$40.00) per month: *Provided, further*, That any member who shall accept the reduced rate of deduction mentioned in section 6, paragraph (3), subdivision (b), shall receive the actuarial equivalent of the full amount provided in the foregoing proviso;

(b) Any Class B or Class C member having thirty (30) years of service credits shall be entitled to retire and, upon retirement, shall receive a retirement allowance consisting of: An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension consisting of as many thirtieths (not to exceed thirty-thirtieths) of forty dollars (\$40.00) per month as he has years of prior service credits: *Provided*, That such member shall first pay into the pension fund an amount which, together with his former contributions in the state fund or a local fund, or in the pension fund, shall equal as many thirtieths (not to exceed thirty-thirtieths) of seven hundred and twenty dollars (\$720.00) as he has years of prior service credits;

Require-
ments.

(c) Any member who has attained age sixty (60) years may retire on a retirement allowance consisting of an annuity which shall be the actuarial

equivalent of his accumulated contributions at retirement and a pension consisting of as many thirtieths (not to exceed thirty-thirtieths) of twenty dollars (\$20.00) per month as he has years of credited service;

(d) Any member who completes all other requirements for retirement on a retirement allowance but who has not attained age sixty (60) years, may retire on a retirement allowance which is the actuarial equivalent at his age of a retirement allowance at age sixty (60) years;

Death of member before retirement.

(2) Upon receipt of proper proofs of death of any member before retirement his accumulated contributions in the annuity fund shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of trustees;

Employment terminated, payments returned.

(3) Should a member cease to be a teacher except by death or retirement under the provisions of this act, he shall be paid upon request filed on a form provided by the board of trustees, the amount of the accumulated contributions standing to the credit of his individual account in the annuity fund;

Optional selection.

(4) With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement and that such beneficiary shall be considered as an active member at the time of death; any member prior to the time the first payment of any benefit becomes normally due, may elect to receive his benefit in the form of a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent at the time of retirement of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance, upon application duly made and filed with the

board, shall be paid to his estate or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees; or

Option 2. Upon his death his reduced retirement annuity shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees at the time of his retirement; or

Option 3. Upon his death one half of his reduced retirement annuity shall be continued through the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees at the time of his retirement; or

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall have nominated: *Provided*, That such other benefit or benefits together with the reduced retirement annuity shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and approved by the board of trustees;

(5) All retirement and disability allowances being paid to former members of any local fund or the former state fund who shall have been retired prior to the date the retirement system became operative shall be continued in the same amount, and shall be paid out of the pension fund: *Provided*, That the board of trustees may continue such disability allowances only upon recommendation of the medical director, as provided in paragraph (6) of this section: *Provided, further*, That if the board of trustees shall determine at the beginning of any fiscal year that there will not be sufficient funds to pay the aforesaid allowances as provided in this paragraph, such allowances shall be pro rated.

Disability
allowance.

Application
for disability
allowance.

(6) Upon application of a member in service or of the employer any member who has earned three (3) years or more of membership service may be retired by the board of trustees on a disability allowance, if the medical director, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for the further performance of duty, and that such member be retired: *Provided*, That no disability benefit shall be payable for the first ninety (90) days of disability: *Provided, further*, That for the purpose of paying disability allowances to Class B and Class C members, three (3) years of creditable service shall be considered as membership service;

Service
retirement
allowance.

(7) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty (60) years and has completed thirty (30) years of creditable service: *Provided*, That a member who accepts a service retirement allowance because of disability as defined in paragraph (6) of this section shall not forfeit his membership in the retirement system as provided in section 4 of this act. Otherwise, he shall receive a disability allowance in an amount and for a period indicated in the following schedule:

Disability
allowance
schedule.

(a) If he has three (3) years or more but less than ten (10) years of service credit he shall receive a disability allowance of twenty dollars (\$20) per month during disability for a period not to exceed one (1) year;

(b) If he has ten (10) years or more but less than fifteen (15) years of service credit, he shall receive a disability allowance of twenty dollars (\$20) per month during disability for a period not to exceed two (2) years;

(c) If he has fifteen (15) years or more but less than twenty (20) years of service credit, he shall receive a disability allowance of twenty-five

dollars (\$25) per month during disability for a period not to exceed two (2) years;

(d) If he has twenty (20) years or more of service credit he shall receive a disability allowance of thirty dollars (\$30) per month during disability for a period not to exceed two (2) years: *Provided*, That if at the expiration of such period the board of trustees determines upon the report of the medical director that such disability is permanent he shall be given the option of receiving his accumulated contributions in a lump sum and cancel his membership or of accepting a continued disability allowance of thirty dollars (\$30) per month during the period of disability. If the option to receive a permanent disability allowance is exercised the accumulated contributions of such member in the annuity fund shall be transferred to the disability reserve fund.

SEC. 8. That section 12 of chapter 221 of the Laws of 1937 (section 4995-12 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 4995-12
Rem. Rev.
Stat.

Section 12. Any and all monies in the annuity fund, the pension fund, the disability reserve fund and the expense fund, or as much thereof as may be required, are hereby appropriated to the payment of the retirement allowances, pensions, and disability allowances provided for by this act and for the expenses of the retirement system respectively, the same to be paid out upon vouchers signed as in this act provided.

Appropriation from
funds.

Passed the Senate February 21, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 87.

[S. B. 215.]

ELECTION AND TERMS OF CITY OFFICERS.

AN ACT relating to third and fourth class cities; providing for and fixing the terms of offices for mayor, attorney, clerk and treasurer thereof; amending sections 9116 and 9165 of Remington's Revised Statutes; and providing that this act shall take effect immediately.

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

Amends
§§ 9116 and
9165 Rem.
Rev. Stat.

Term of
office.

SECTION 1. Amending sections 9116 and 9165 of Remington's Revised Statutes. The terms of office of mayor, attorney, clerk and treasurer in all cities of the third and fourth class shall be four years, and until their successors are elected and qualified: *Provided*, That this act shall not affect the terms of office of any of such officials to which they have been elected or appointed at the time this act takes effect, but at the election next preceding the expiration of the terms of such officials a successor for such officials shall be elected for a four year term: *Provided, further*, That at the first election of treasurer after this act takes effect such official shall be elected for a two year term only, and at the election next preceding the expiration of such two year term a successor to such official shall be elected for a four year term: *Provided, further*, That this act shall not affect cities operating under a commission form of government.

Effective
immediately.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 8, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 88.

[S. B. 269.]

GRAND COULEE CITY STREET IMPROVEMENTS.

AN ACT making an appropriation for the maintenance, repair, improvements of the streets of the city of Grand Coulee, and declaring this act shall take effect immediately.

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

SECTION 1. For the maintenance, repairs, improvements of the streets of the city of Grand Coulee there is hereby appropriated from the motor vehicle fund, ten thousand dollars (\$10,000), which sum shall be expended under the supervision of the state highway department.

Appropriation.

SEC. 2. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Effective immediately

Passed the Senate February 20, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 89.

[S. B. 300.]

SECOND-HAND WATCHES.

AN ACT regulating the advertising and sale of second-hand watches and providing penalties for the violation thereof.

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

SECTION 1. As used in this act:

“Person” shall be deemed to mean a person, firm, partnership, association or corporation.

“Person.”

“Consumer” shall be deemed to mean an individual, firm, partnership, association or corporation

“Consumer.”

who buys for own use, or for the use of another but not for resale.

"Second-hand."

A "second-hand" watch shall be deemed to mean:

(1) A watch which, as a whole, the case thereof, or the movement thereof has been sold to a consumer: *Provided, however,* That a watch which has been so sold, and is thereafter returned, either through an exchange or for credit, to the same person who sold such watch to the consumer, shall not be deemed to be a second-hand watch for the purpose of this act if such person keeps a written or printed record setting forth the name and address of the consumer, the date of the sale to the consumer, the name of the watch or its maker, and the serial numbers (if any) on the case and the movement of the watch, or other distinguishing numbers or identification marks, the aforesaid record to be kept for at least three years from the date of the sale of the watch and to be open for inspection during all business hours by the prosecuting attorney, or his representative, of the county in which such person is engaged in business; or (2) Any watch whose case or movement, serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered.

Tags to be attached.

SEC. 2. Any person, or agent or employee thereof, who sells a second-hand watch, shall affix and keep affixed to the same a tag with the words "second-hand" legibly written or printed thereon in the English language. For the purposes of this subdivision, "sell" shall be deemed to include offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange, and sell or exchange.

Invoice.

SEC. 3. Any person, or agent or employee thereof, who sells a second-hand watch shall deliver to the vendee a written invoice setting forth the name

and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any) or other distinguishing numbers or identification marks on its case and movement. In the event the serial numbers, or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, this shall be set forth in the invoice. A duplicate of the aforesaid invoice shall be kept on file by the vendor of such second-hand watch for at least one (1) year from the date of the sale thereof and shall be open to inspection during all business hours by the prosecuting attorney or his representative of the county in which the vendor is engaged in business.

SEC. 4. Any person advertising in any manner second-hand watches for sale shall state clearly in such advertising that the watches so advertised are second-hand watches. Advertisement of.

SEC. 5. Any violation of this act shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) or not less than ten (10) days and not more than one hundred (100) days in jail, or both. Penalty.

Passed the Senate February 24, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 90.

[S. B. 376.]

IRRIGATION DISTRICT CONTRACTS.

AN ACT relating to irrigation districts comprising 200,000 or more acres of land within their boundaries and to elections in such districts called and held to vote on proposed contracts between the district and the United States or any agency thereof where such contracts include provisions in accordance with the Act of Congress of May 27, 1937 (50 Stat. 208).

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

Elections for voting on proposed contracts.

SECTION 1. That in any election called and held in an irrigation district organized and existing under the laws of this state, comprising 200,000 or more acres of land within its boundaries, for the purpose of voting on any proposed contract between the district and the United States or any agency thereof where the proposed contract is to include a provision in accordance with the fourth proviso in section 1 (b) of the Act of Congress of May 27, 1937 (50 Stat. 208), the notice of said election shall state, in addition to the other matters and things required by law relating to elections in such districts, that the proposed contract shall include a provision in accordance with the fourth proviso in section 1 (b) of the Act of Congress of May 27, 1937 (50 Stat. 208), and shall also set forth the provisions of section 1 (a) and (b) of said Federal Act.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 91.

[S. B. 392.]

ADMINISTRATION OF FEDERAL FUNDS.

AN ACT appropriating a certain sum from the motor vehicle fund for administration by the director of highways of Federal funds allotted to the state, and declaring that this act shall take effect immediately.

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

SECTION 1. For salaries, wages and operations of the offices of the department of highways and/or district offices of the department of highways, in connection with the expenditure of funds now available and to become available from the Federal government for construction, reconstruction, or improvement of primary state highways, secondary state highways, or county roads and/or city streets, or for any structures in connection therewith, to be expended under the direction of the director of highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as shall be necessary, but in no event to exceed one and one-half per cent (1½%) of any such Federal funds.

Appropriation.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 92.

[S. B. 393.]

CAPITAL OUTLAY REAPPROPRIATION TO HIGHWAYS DEPARTMENT.

AN ACT reappropriating a certain sum from the motor vehicle fund for capital outlay, including the purchase and improvement of lands and erection of buildings, including the necessary salaries and wages incident thereto, and declaring that this act shall take effect immediately.

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

Reappropriation.

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the director of highways and the department of highways for capital outlay, which shall include the purchase and improvement of lands and the erection of buildings, including the necessary salaries and wages incident thereto, the sum of one hundred sixty-two thousand ninety-five and 02/100 dollars (\$162,095.02), the same being the unexpended balance of the appropriation contained in section 16, chapter 208, Laws of 1937, as shown by the State Auditor's books on December 31, 1938: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 16, chapter 208, Laws of 1937.

Effective immediately.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 28, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 93.

[H. B. 30.]

LEGAL AID BUREAU.

AN ACT declaring the promotion of organized legal aid to be in the public interest, defining legal aid bureaus, authorizing their creation, providing for their financing by certain counties and their operation by legal aid county committees and the Washington State Bar Association.

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

SECTION 1. LEGAL AID DEFINED. Legal aid is the rendition, without compensation, of professional services by an active member of the Washington State Bar Association to or for any indigent person unable to pay a reasonable attorney's fee determined in accordance with the Established Code of Legal Ethics. Legal aid defined.

SEC. 2. PUBLIC INTEREST. The promotion of organized legal aid is hereby declared to be in the public interest. Public interest.

SEC. 3. APPLICATION TO CERTAIN COUNTIES. The need for legal aid not being uniform in all localities and unorganized legal aid being less available in the more populous communities, the provisions of this act are limited in application to each first-class and Class A county. Limitation.

SEC. 4. DECLARATION OF NECESSITY BY BOARD OF COUNTY COMMISSIONERS. The board of county commissioners (hereinafter called the county board) is empowered to find by resolution the existence of a necessity in such county for organized legal aid. Such resolution shall specify the amount of county funds thereby to be allocated for and expended in the operation of a legal aid bureau during the period of the fiscal year or the remainder thereof. Within ten days after the passage of such a resolution, the commissioners shall cause a certified copy to be Declaration of necessity.

transmitted to the board of governors of the Washington State Bar Association (hereinafter called the bar board).

Bureau defined.

SEC. 5. LEGAL AID BUREAU DEFINED. A legal aid bureau (hereinafter called the bureau), is an agency for the rendition of organized legal aid to indigent persons resident in the county, consisting of one director, who shall be an attorney resident in the county, and who shall be in good standing and active membership in the Washington State Bar Association, together with such professional and other personnel, such office facilities, and other equipment, as may be determined by the bar board and be financed by the county board.

Bar board.

SEC. 6. BOARD OF GOVERNORS—AUTHORITY. Upon receipt of a certified copy of such resolution the bar board is empowered and, within sixty (60) days thereafter, is obligated to create and continue a legal aid bureau as soon and as long as the necessary funds so allocated are made available by the county board, all expenditures for the bureau to be limited to county funds so supplied, except only as hereinafter authorized. The bar board is vested with the ultimate power to control by its rules and regulations such bureau, the immediate supervision of which in actual operation shall be by the bar board itself or by a committee of its selection.

Committee.

SEC. 7. LEGAL AID COUNTY COMMITTEE CREATED. The legal aid county committee (hereinafter called the committee), if created and continued by resolution of the bar board, shall consist of three members chosen by the bar board as follows: a member of the bar board, who shall be chairman, a judge of the superior court of the county, and an active member of the Washington State Bar Association, resident in the county.

Powers.

SEC. 8. LEGAL AID SUPERVISION. Among the powers to supervise the actual operation of any

such bureau, which shall be exercised either by the bar board itself or in its discretion by the committee, are the following:

(a) To appoint and remove at will the director and to fix the amount of his salary not in excess of Two Hundred Dollars (\$200) per month;

(b) To engage and discharge all other employees of the bureau and to fix their salaries or remuneration;

(c) To assist the director in supplying the free services of attorneys for the bureau;

(d) To cooperate with the dean of any law school now or hereafter established within this state respecting the participation of law students in the rendition of services by the bureau under the guidance of the director—however, by this provision, no law student shall be deemed authorized to represent as an attorney in a court of record any legal aid client;

(e) To require of the director periodically written statements of account and written reports upon any and all subjects within the operation of the bureau;

(f) To prescribe rules and regulations, always subject to the bar board, for determination of the indigent persons who are entitled to legal aid, for determination of the kinds of legal problems and cases subject to legal aid, and for determination of all operative legal aid policies not inconsistent with this act;

(g) To advise the county board, for its budget upon its written request, as to the estimated amount of county funds reasonably required to effectively operate the bureau for the ensuing fiscal year;

(h) To receive county funds allocated by the county board for the bureau, and to render an account thereof at the times and in the manner reasonably required by the county board;

(i) To disburse such county funds, after receipt thereof, solely for the purposes contemplated by this act.

Registration fees.

SEC. 9. REGISTRATION FEES AND PRIVATE FUNDS.

For the purpose of promoting organized legal aid, the bar board is empowered to receive and disburse, at its discretion, a nominal registration fee (not in excess of \$.50), which it may require of legal aid applicants, and also donations in any sum of private funds.

Restrictions.

SEC. 10. LIMITATION OF LEGAL AID.

No legal aid shall be rendered by or through any bureau as to any matter which, in the opinion of the director or the committee is not a proper subject of legal aid. No legal aid shall be given concerning matters relating to claims or litigation commonly handled on a contingent fee basis, nor to the defense of criminal charges in court.

Attorneys' fees.

SEC. 11. ATTORNEYS' FEES.

No attorney's fee shall be charged to or received from any legal aid client as to any legal aid matter handled by or through the bureau. All attorneys' fees and court costs collected from any third party by the bureau in the name of any legal aid client shall become a part of the bureau's operation funds.

County funds.

SEC. 12. COUNTY FUNDS.

The county board in its discretion shall allocate funds for the purposes of the bureau from county funds available for public assistance and relief received from the levy of three mills as provided in section 17, chapter 180, Laws of 1937.

Discontinuance of bureau.

SEC. 13. REVOCATION OF DECLARATION OF NECESSITY.

The county board is empowered to find by resolution the non-existence of a necessity in such county for organized legal aid. Within ten (10) days after the passage of such a resolution the county board shall cause a certified copy to be transmitted to the

bar board. Upon receipt of a certified copy of such resolution the bar board is empowered and, within sixty (60) days thereafter, is obligated to discontinue the Legal Aid Bureau—unless it is subsequently maintained in the discretion of the bar board and financed by funds other than county funds. Nothing in this act shall prevent a county board from adopting successive resolutions declaring the existence or non-existence of a necessity for organized legal aid, but no bureau actually created as a result of such a resolution shall be discontinued by a resolution of revocation within sixty (60) days thereafter.

SEC. 14. WASHINGTON STATE BAR ASSOCIATION NOT RESTRICTED. No county funds shall be expended for legal aid except in accordance with this act, but nothing in this act shall limit the powers of the Washington State Bar Association, or its board of governors, to promote or render legal aid independent of county financial support.

Bar Association not restricted.

SEC. 15. CERTAIN OTHER ACTS NOT APPLICABLE. The provisions of section 6 of chapter 180 of the Laws of 1937 shall not be applicable to a bureau or a committee as authorized by this act, or to the bar board or the Washington State Bar Association.

§ 6, ch. 180, Laws 1937 not applicable.

SEC. 16. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Effective immediately.

Passed the House February 16, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 94.

[H. B. 55.]

SALE OF PROPERTY UNDER EXECUTION.

AN ACT relating to the possession of property sold under execution, during the period of redemption, amending section 1 of chapter 93 of the Laws of 1927.

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

Amends
§ 602 Rem.
Rev. Stat.;
§ 7917 P. C.

SECTION 1. Section 1 of chapter 93 of the Laws of 1927 (section 602 of Remington's Revised Statutes; section 7917 of Pierce's Code) is hereby amended to read as follows:

Possession
during
period of
redemption.

Section 1. The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: *Provided*, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor have such right: *Provided, further*, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall if the judgment debtor do not redeem have a lien upon the crops raised or harvested thereon during said year of redemption for interest on the purchase price at the

Farm
property.

rate of six per cent per annum during said year of redemption and for taxes becoming delinquent during the year of redemption together with interest thereon: *And, provided further*, That in case of any homestead selected in the manner provided by law and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or value of occupation. Homestead.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 95.

[H. B. 148.]

INDUSTRIAL LOAN COMPANIES.

AN ACT relating to industrial loan companies; amending section 3, section 4 and section 5 of chapter 186 of the Laws of 1925, Extraordinary Session; amending section 24 of chapter 172 of the Laws of 1923; and repealing section 21, section 22 and section 23 of chapter 172 of the Laws of 1923.

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

SECTION 1. That section 3 of chapter 186 of the Laws of 1925, Extraordinary Session (section 3862-7 of Remington's Revised Statutes; section 4691-7 of Pierce's Code) be amended to read as follows:

Amends
§ 3862-7 Rem.
Rev. Stat.;
§ 4691-7 P. C.

Section 3. (a) The capital stock of any corporation incorporated under the provisions of this act shall be not less than thirty-five thousand dollars in any city having a population of one hundred thousand inhabitants, or less; and shall be not less than seventy-five thousand dollars in any city having a population in excess of one hundred thousand and not more than two hundred thousand inhabitants;

Capital
stock.

and shall be not less than one hundred thousand dollars in any city having more than two hundred thousand inhabitants, according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of one hundred dollars each. No corporation organized hereunder shall create more than one class of stock.

Increase or
decrease of
capital
stock.

(b) Any Industrial Loan Company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting called for that purpose in the manner prescribed by its by-laws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the Industrial Loan Company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid until twenty-five per cent of the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the Supervisor of Banking. Not less than one-twelfth of the balance of the authorized increase shall be paid in cash to the corporation within thirty days from the date the increase is authorized, and each thirty days thereafter until fully paid. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the

cancellation of stock certificates until such reduction has been approved by said Supervisor of Banking.

SEC. 2. That section 4 of chapter 186 of the Laws of 1925, Extraordinary Session (section 3862-8 of Remington's Revised Statutes; section 4691-8 of Pierce's Code) be amended to read as follows:

Amends
§3862-8 Rem.
Rev. Stat.;
§ 4691-8 P. C.

Section 4. Every corporation under the provisions of this act shall have power:

Corporate
powers.

(a) To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of ten per cent per annum, or less. To require the borrower to purchase simultaneously with the loan transaction or otherwise and pledge as security therefor an investment certificate not to exceed one-fifth more than the loan made; and to receive weekly, semi-monthly or monthly installment payments thereon with an allowance of not less than three per cent interest on such installments if paid on or before the date due. To charge a delinquency charge of five cents or less on each dollar delinquent one full week or more—no interest shall be collected on delinquent installments. At the time the certificate is paid for in full the company shall liquidate the loan by cancelling an equal amount of the certificate pledged as security therefor. No certificate or securities of any nature shall be sold to the borrower simultaneously with the loan transaction at a price in excess of the actual book value of the certificate or securities so sold.

(b) To charge for a loan made pursuant to this section a fee of two dollars or less on loans under one hundred dollars, and a maximum fee of two per cent on loans of one hundred dollars or more, for expenses in examining and investigating the character and circumstances of the borrower; and to charge a service fee of not to exceed fifty cents per month to be collected monthly. No additional charge shall be made except to reimburse the cor-

poration for money actually expended for filing fees. No charge shall be collected unless a loan shall have been made.

(c) To borrow money and to sell or negotiate for cash its promissory notes. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit or to create any liability due on demand. The issuance of written evidences of debt herein authorized shall be approved as to form by the Supervisor of Banking.

(d) To establish branches subject to the approval and authority of the Supervisor of Banking.

(e) Conferred upon corporations by section 3803-11 of Remington's Revised Statutes.

Amends
§ 3862-9 Rem.
Rev. Stat.;
§ 4691-9 P. C.

SEC. 3. That section 5 of chapter 186 of the Laws of 1925, Extraordinary Session (section 3862-9 of Remington's Revised Statutes; section 4691-9 of Pierce's Code) be amended to read as follows:

Restrictions.

Section 5. No corporation under the provisions of this act shall:

(a) Make any loan, on the security of makers, co-makers, endorsers, sureties or guarantors, for a longer period than two years from the date thereof.

(b) Hold at any one time the primary obligation or obligations of any person, firm or corporation, for more than two per cent of the amount of the paid-up capital and surplus of such industrial loan company.

(c) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation in excess of twenty per cent of the aggregate paid-up capital and surplus of such industrial loan company.

(d) Make any loans secured by chattel mortgage for a longer period than three years from the date thereof.

(e) Make any loan or discount on the security of its own capital stock, or be the purchaser or holder

of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition.

(f) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for commercial banks.

(g) Make any loan or discount, nor shall any officer or employee thereof on behalf of such corporation, make any loan or discount directly or indirectly to any director, officer or employee of such corporation.

(h) Have outstanding at any time its promissory notes or other evidences of debt in an aggregate sum in excess of three times the aggregate amount of its paid-up capital and surplus, exclusive of investment certificates hypothecated with the corporation issuing them.

Prohibited
acts.

(i) Exact a surrender charge on investment certificates issued by the corporation.

(j) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

(k) Make any loan or discount secured by real estate for an amount in excess of seventy-five per cent of the value of such real estate and improvements, including all prior liens against the same.

(l) Have outstanding at any time any investment certificates issued by it other than those authorized by this act.

(m) Pledge or hypothecate any of its securities to any creditor except that it may borrow and rediscount an amount not to exceed in the aggregate

three times the amount of the paid-up capital and surplus thereof, and may pledge as security for amounts borrowed assets of the corporation not exceeding one and one-half times the amount borrowed and may pledge as security for amounts rediscounted assets of the corporation not exceeding one-half the amount rediscounted.

Amends
§ 3862-24
Rem. Rev.
Stat.;
§ 4691-24 P. C.

SEC. 4. That section 24 of chapter 172 of the Laws of 1923 (section 3862-24 of Remington's Revised Statutes; section 4691-24 of Pierce's Code) be amended to read as follows:

Doing
business
without
authority.

Section 24. Any person, agent or corporation doing business, or attempting to do business in this state for any foreign industrial loan corporation shall be deemed guilty of a misdemeanor.

Penalty.

Repeal.

SEC. 5. That section 21, section 22 and section 23 of chapter 172 of the Laws of 1923 (sections 3862-21, 3862-22 and 3862-23 of Remington's Revised Statutes; section 4691-21, 4691-22 and 4691-23 of Pierce's Code) be and the same are hereby repealed.

Passed the House March 2, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 96.

[H. B. 152.]

MUNICIPAL PUBLIC UTILITIES.

AN ACT relating to cities of the fourth class, providing for the disposition of surplus earnings of public utilities, and amending section 1 of chapter 98, Laws of 1929.

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

SECTION 1. That section 1 of chapter 98, Laws of 1929 (section 9185-1 of Remington's Revised Statutes; section 837-3 of Pierce's Code) is amended to read as follows:

Amends
§ 9185-1 Rem.
Rev. Stat.;
§ 837-3 P. C.

Section 1. When any special fund of a public utility department of any municipal corporation of the fourth class shall have retired all bond and/or warrant indebtedness, and shall be on a cash basis, and a reserve or depreciation fund shall have been created in an amount satisfactory to the division of municipal corporations of the office of the State Auditor of this state, and the fixing of rates of such public utility is governed by contract with a corporation or person supplying the water, electrical energy or other use sold by said municipal corporation to its inhabitants and such rates are at the lowest possible figure, the council or other legislative body, of such municipal corporation shall be authorized, by appropriate legislative action, to set aside out of the net earnings of such public utility not to exceed fifty per cent (50%) thereof and to transfer the sums so set aside to the current expense fund of such municipal corporation: *Provided*, That any amount in excess of fifty per cent (50%) may be so set aside with the unanimous approval of such council or other legislative body and the mayor.

Retirement
of bonds or
warrants.

Excess
revenue.

Passed the House February 21, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 97.

[H. B. 180.]

INSURANCE POLICIES.

AN ACT relating to insurance; specifying the persons to whom payment under life insurance policies shall be made and the effect of such payment; providing for the manner of assignment of such policies and for the protection of persons interested in life insurance policies; and providing that accident policies shall be deemed to be life policies under the terms of this act so far as they provide for death benefits; and providing that this act shall apply to annuity contracts and to fraternal benefit societies and fraternal benefit certificates.

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

Payment to
beneficiary.

SECTION 1. The person or persons designated in any life insurance policy or contract, or by a change of beneficiary made as provided in such policy or contract, as being entitled to receive any payment thereunder, shall be entitled to receive such payment and give full acquittance therefor, and such payment shall fully discharge the insurance company from all claims under such policy unless, before such payment is made, the life insurance company shall have received at its home office written notice by or on behalf of some other person or persons that he or they claim to be entitled to such payment or to some interest in such policy.

Assignment
of policy.

SEC. 2. Policies of life insurance under the terms of which the beneficiary may be changed upon the sole request of the assured may be assigned, either by way of pledge or transfer of title, by an assignment executed by the assured alone and delivered to the company, and such assignment shall entitle the company to deal with such assignee as the owner or pledgee of said policy, in accordance with the terms of said assignment, until the insurance company shall have received at its home office written notice by or on behalf of some other person or per-

sons that he or they claim to be entitled to some interest in such policy.

SEC. 3. Accident policies shall be deemed to be life policies under the terms of this act so far as they provide for death benefits, but not otherwise: *And provided further*, That for the purpose of this act and this act only, wherever the words insurance company are used, they shall be construed to include fraternal benefit societies, and wherever the term life insurance policy is used, it shall be construed to include fraternal benefit certificates and annuity contracts.

Accident policies.

Fraternal benefit societies.

SEC. 4. Nothing contained in this act shall affect any claim or right to the policy or its proceeds as between any third person and the person to whom any payment is made by any insurance company, nor shall this act be deemed to repeal or in any way affect section 2 of chapter 92, Laws of 1927 (section 7230-1, Remington's Revised Statutes).

Construction of act.

Passed the House February 25, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 98.

[H. B. 188.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to the organization, management, and supervision of savings and loan associations; providing for the conversion of Federal savings and loan associations; amending sections 20, 23, 28, 29, 47 as heretofore amended, 48, 49 as heretofore amended, 50, 51, 56, 57 and 65 of chapter 183 of the Laws of 1933; and repealing chapter 9 of the Laws of 1935.

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

Adds § 6-A to
ch. 183,
Laws 1933.

SECTION 1. Chapter 183 of the Laws of 1933 is amended by adding thereto a new section, to be known as section 6-A, as follows:

Conversion
of Federal
savings and
loan associa-
tions.

Section 6-A. Whenever any savings and loan association existing under the laws of the United States and located within this state is authorized to dissolve and it shall have taken the necessary steps to effect dissolution, or whenever the charter of such association has become inoperative because of a change in or nullification or a repeal of the laws under which it was organized, or whenever such association is authorized by the laws of the United States to convert itself into a savings and loan association under the laws of the state, such association, upon resolution therefor of three-fourths ($\frac{3}{4}$) if [of] its directors, at a meeting duly called for such purpose, or upon action taken under authority of the laws of the United States therefor, with the approval in writing of the supervisor, may execute and file articles of association as herein provided, together with a certificate executed by its president and secretary setting forth the facts authorizing such filing.

Articles of
association.

Upon the filing of said articles and said certificate, with the written approval of the supervisor, such association shall become a savings and loan association under the laws of this state and there-

upon all of the assets of such Federal savings and loan association shall be vested in and become the property of such state savings and loan association, subject to all existing liabilities against such federal association and its property not liquidated prior to such conversion, and every person who was a shareholder or member of such Federal savings and loan association shall be a shareholder in such state association in like amount. If, at such conversion, the association holds capital stock of a corporation formed for the purpose of receiving and realizing upon its segregated assets, such asset realization corporation shall forthwith become subject to the supervision of the supervisor.

SEC. 2. Section 20 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-20) is amended to read as follows:

Section 20. Any officer, agent, or employee may be removed by the board of directors at its pleasure and/or in such manner and/or by such authority as the by-laws may provide. The directors of every association shall require from its officers, agents, and employees who have control over or access to cash or securities of such association, a bond or bonds, with duly qualified corporate surety authorized to do business in the State of Washington, conditioned that the surety thereon will indemnify and save harmless the association against any and all loss or losses arising through the larceny, theft, embezzlement, or other fraudulent or dishonest act or acts of any such officer, agent, or employee, in amount or amounts as follows: (1) For associations with assets up to one million two hundred fifty thousand dollars (\$1,250,000), for each such officer, agent, or employee the sum of two thousand five hundred dollars (\$2,500) or two per-cent (2%) of the assets of the association, whichever is greater; (2) for associations with assets exceeding one mil-

Assets.

Amends
§ 3717-20
Rem. Rev.
Stat.Removal of
officers.Officer's
bond.

lion two hundred fifty thousand dollars (\$1,250,000) and up to two million five hundred thousand dollars (\$2,500,000), for each such officer, agent, or employee the sum of twenty-five thousand dollars (\$25,000); (3) For associations with assets exceeding two million five hundred thousand dollars (\$2,500,000) and up to and including five million dollars (\$5,000,000), for each such officer, agent, or employee an amount to equal one per cent (1%) of the assets of the association; (4) For associations with assets exceeding five million dollars (\$5,000,000) and up to and including ten million dollars (\$10,000,000), for each such officer, agent, or employee the sum of fifty thousand dollars (\$50,000); (5) For associations with assets exceeding ten million dollars (\$10,000,000) and up to and including twenty million dollars (\$20,000,000), for each such officer, agent or employee a sum equal to one-half of one per cent of the assets of the association; (6) For associations with assets in excess of twenty million dollars (\$20,000,000), for each such officer, agent, or employee the sum of one hundred thousand dollars (\$100,000).

Approval
of bond.

Such bond or bonds shall be approved by the board of directors of the association and shall be filed with the supervisor and approved by him. The supervisor, in his discretion, from time to time may increase or decrease the amount or amounts of the foregoing schedule of bond requirements.

Such bond or bonds shall be presented to and considered by the board of directors at its regular meeting in January of each year and the board shall, at such meeting, by resolution fix and determine the amount of bonds of the respective officers, agents, and employees for the ensuing year.

Premium.

The premium thereon may be paid by the association. Said bond or bonds shall be approved by the attorney for the association as to form and legal sufficiency.

SEC. 3. Section 23 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-23) is amended to read as follows:

Amends
§ 3717-23
Rem. Rev.
Stat.

Section 23. An association may, if provided in its by-laws, issue installment shares, juvenile shares, savings shares and fully paid certificate shares.

Issuance of
shares.

Installment shares are those upon which regular stipulated payments shall be made at stated periods until the sum of such payments and dividends credited thereon equal their par value. An association may, in its by-laws, provide for and may in such case pay a higher dividend rate than is concurrently paid on savings shares to the holders of such installment shares if such installment shares are carried to their maturity and may so provide that if such installment shares are not carried to their maturity and are withdrawn theretofore, if withdrawn prior to two years from being subscribed shall receive fifty per cent of the dividend earnings thereon, if withdrawn between two and three years after being subscribed shall receive sixty per cent of the dividend earnings thereon, if withdrawn between three and four years after being subscribed, seventy per cent of the dividend earnings thereon, if withdrawn between four and five years after being subscribed, eighty per cent of the dividend earnings thereon, and if withdrawn after five years after being subscribed, ninety per cent of the dividend earnings thereon.

Installment
shares.

Withdrawal
of shares.

Savings shares are shares for which the purchaser shall pay the full par value at the time of issuance and such shares may be issued in units of one or more shares and/or a fractional part of a share. Trustees, administrators, executors, guardians, and other fiduciaries, either individual or corporation, in their fiduciary capacity, and municipal corporations, may purchase such shares to the extent of and while the same are covered by Federal insurance.

Savings
shares.

Amends
§ 3717-28
Rem. Rev.
Stat.

SEC. 4. Section 28 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-28) is amended to read as follows:

Certificates
issued to
members.

Section 28. Each association shall issue to each member a certificate showing his share holdings in the association, which certificate may be in pass book form, and as to all such pass books and/or certificates issued from and after the taking effect of this act, the same shall contain a summary of the provisions of the law and the by-laws of the association relating to withdrawals and the right thereto and such other information as may be deemed desirable, such summary to be approved by the Supervisor of Savings and Loan.

Amends
§ 3717-29
Rem. Rev.
Stat.

SEC. 5. Section 29 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-29) is amended to read as follows:

Notice of
withdrawal.

Section 29. A member wishing to withdraw his savings shares, or a portion thereof, shall give notice in writing of such desire, which provision may be waived by the association.

Cancellation
of notice.

If upon presentation of notice for withdrawal, full withdrawal value thereof is not paid, it shall be the duty of the association to enter upon each notice for withdrawal presented its number in sequence and date of presentation and to file the same in the records of the association, and after filing such notice a member shall not be entitled to receive any dividends on his shares for which notice of withdrawal is given: *Provided*, A member having filed notice of withdrawal may cancel the same by notice thereof in writing filed with the association, whereupon such shares, from and after the date of such cancellation of notice, shall participate in dividends earned thereafter.

Withdrawal
value.

The withdrawal value of free shares shall be the par value thereof and in addition thereto di-

vidends which have been theretofore declared and ordered paid by the association.

The withdrawal value of installment shares shall be the amount of the installment payments thereon together with accrued dividends declared thereon to be computed as to percentage of amount paid, in accordance with the terms of this act, and less any fees and fines legally chargeable against the same.

SEC. 6. Section 47 of chapter 183 of the Laws of 1933, as amended by chapter 171, Laws of 1935 (Remington's Revised Statutes 3717-47) is amended to read as follows:

Amends
§ 3717-47
Rem. Rev
Stat.

Section 47. Every association shall have power to purchase, own, vote, and sell stock in, or act as agent for, a Federal home loan bank, Home Owners' Loan Corporation, or other state or Federal agency organized under the authority of the Laws of the United States or of the State of Washington and authorized to loan to or act as a fiscal agency for savings and loan associations; to procure insurance of its mortgages and of its shares from the Federal housing administrator, the Federal savings and loan insurance corporation, or any state or Federal corporation or agency authorized to write such insurance; and, in the exercise of these powers, may comply with any requirements of law or rules, regulations or orders promulgated by the Federal home loan bank board, Federal housing administration or the administrator thereof or Federal savings and loan insurance corporation, may execute any contracts or pay any premiums required in connection therewith, and may segregate its assets into classes where advisable for any of these purposes and, when directed by the supervisor, shall cancel the then existing notices of withdrawal of its shareholders, which cancellations shall be effective as of the date on which the respective notices of withdrawal were filed. Premiums paid

Stock in or
agency for
home loan
bank.

Mortgage
insurance
from Federal
housing ad-
ministration.

for insurance procured pursuant to the provisions of this section shall not be included in computing operating expenses under the provisions of section 66 (Remington's Revised Statutes 3717-66) hereof.

Segregation
of assets.

An association so segregating its assets may transfer the assets in one or more classes, with the approval of the supervisor, to a corporation formed or to be formed for the purpose under and pursuant to the uniform business corporation act, the directorate of which shall be identical with that of the association and the capital stock of which shall be owned by the association. The association, however, may cause qualifying shares of such corporation to be issued to its directors, to be held, however, by them in trust for the association; and, upon the transfer to such corporation of a portion of the assets of the association, the shareholdings of the association shall be reduced proportionately and the corporation shall issue its debentures, upon such terms and conditions as the directors shall decide and the supervisor shall approve, proportionately to the shareholders of the association for the assets so received by it.

Supervision.

Such corporation shall be subject to examination and supervision by the division of savings and loan for the same purposes and to the same extent as are savings and loan associations.

The provisions of section 12 (Remington's Revised Statutes 3717-12) hereof shall not apply to a director of an association transferring a portion of its assets to such corporation: *Provided, however,* That each director of the association shall at all times hold, in shares of the association and debentures of such corporation, an aggregate amount equal to the requirements of said section 12 (Remington's Revised Statutes 3717-12).

SEC. 7. Section 48 of chapter 183 of the Laws of

1933 (Remington's Revised Statutes 3717-48) is amended to read as follows:

Amends
§ 3717-48
Rem. Rev.
Stat.

Section 48. Every association shall issue share-certificates or savings pass books in return for all moneys received as investments from members and no association shall carry any demand, commercial or checking account. An association may borrow money upon its notes or debentures in an amount not in excess of twenty-five per cent (25%) of the shares of all classes and groups issued by it as shown by its last preceding semi-annual statement. Notwithstanding such limitation, an association may borrow from any Federal home loan bank or other similar Federal or state agency in such an amount or any part thereof as may be provided in the laws, rules and regulations relating to loans by such Federal home loan bank or other similar Federal or state agency and, as security for such loan, may pledge, hypothecate, or otherwise encumber any of the property and/or securities, real or personal, owned by such association and, in connection therewith may comply with any requirements of law or rules or regulations relative to the conduct of such Federal home loan bank or other similar Federal or state agency. In all cases where money is borrowed by an association, the association shall forthwith furnish to the supervisor copies of all written instruments evidencing such indebtedness.

Issuance of
share-
certificates
or savings
pass books.

SEC. 8. Section 49 of chapter 183, Laws of 1933, as amended by section 2 of chapter 171, Laws of 1935 (Remington's Revised Statutes 3717-49) is amended to read as follows:

Amends
§ 3717-49
Rem. Rev.
Stat.

Section 49. Every savings and loan association shall have on hand at all times, in cash, or available deposits in banks and trust companies, a sum not less than three per cent (3%) of its outstanding privately owned shares and, in addition, a sum, in cash, deposited in banks and trust companies, or

Cash or
available
deposits.

invested in bonds or obligations of the United States of America in an aggregate amount equal to not less than three per cent (3%) of its outstanding privately owned shares and, in addition, a sum, in cash, deposited in banks and trust companies, or invested in any bonds in which an association may invest in an aggregate amount equal to not less than three per cent (3%) of its outstanding privately owned shares: *Provided*, That an association will not be required to comply with this provision prior to February 15, 1941, if it shall, on or before April 1, 1940, have an amount equal to three per cent (3%) of its outstanding privately owned shares invested in accordance herewith.

Effective date.

Subject to the foregoing provision, if an association, at any time, shall have less than the nine per cent (9%) hereinabove prescribed in cash or deposited in banks and trust companies, or invested as hereinabove prescribed, such association shall immediately discontinue lending or the making of investments, except those for which its commitments have previously been issued, until a status complying with the provisions of this section shall be re-established.

Amends
§ 3717-50
Rem. Rev.
Stat.

SEC. 9. Section 50 of chapter 183, Laws of 1933 (Remington's Revised Statutes 3717-50) is amended to read as follows:

Rights and privileges.

Section 50. Every savings and loan association incorporated under the laws of the United States and doing business in this state, and the shares or accounts heretofore or hereafter issued by any such association shall have all the rights, powers, and privileges and be entitled to the same immunities and exemptions as savings and loan associations organized under the laws of this state and as are applicable to the shares or accounts of such associations.

SEC. 10. Section 51 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-51) is amended to read as follows:

Amends
§ 3717-51
Rem. Rev.
Stat.

Section 51. No association shall make any loan to any officer, director, agent and/or employee of the association or to any firm or corporation in which any officer, director, agent and/or employee of the association is a member or owner: *Provided, however,* An association may loan to any such officer, director, agent and/or employee of the association upon the security of his free shares in excess of the minimum amount of shares required by this act as qualifying shares.

Loans to
officers
prohibited.

It shall be unlawful for any officer or director of an association, except as provided above, either personally or through the medium of a partnership of which he is a member, or a corporation in which he is a stockholder or bondholder to the extent of twenty per cent (20%) of the issue thereof, to borrow any money from the association or to become indebted in any way to the association, or to sell or buy or otherwise dispose of or acquire to or from such association any real property or securities of any kind or nature, and it shall be unlawful for any officer, director, agent and/or employee of any association, except as provided above, to knowingly loan or cause to be loaned any of the funds of such association or to knowingly sell or buy or otherwise dispose of any real or personal property of the association to any person who is a director, officer, agent and/or employee of such association or to any partnership of which such person is a member or to a corporation in which such person is a stockholder or a bondholder to the extent of twenty per cent (20%) thereof.

Every person who violates this section or who aids and abets any other person in such violation shall be guilty of a felony.

Penalty.

Amends
§ 3717-56
Rem. Rev.
Stat.

SEC. 11. Section 56 of chapter 183, Laws of 1933 (Remington's Revised Statutes 3717-56) is amended to read as follows:

Investments
authorized:

Section 56. A savings and loan association may invest its funds:

United States
or Canadian
bonds.

(1) In the bonds or obligations of the United States of America, of the Dominion of Canada, or those for which the faith of the United States or the Dominion of Canada is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia: *Provided*, That, in the case of bonds of the Dominion or those for which its faith is pledged, the interest and principal be payable in the United States or with exchange to a city in the United States and in lawful money of the United States or its equivalent.

In State
bonds or
obligations.

(2) In the bonds or interest bearing obligations of this state, issued pursuant to the authority of any law of this state, for which the faith of the state is pledged to provide for payment of interest and principal.

In bonds of
other states.

(3) In the bonds or obligations of any other state of the United States for which the faith of such state is pledged to provide for payment of interest and principal and upon which there has been no default of any general obligation for ten (10) years last past.

In municipal
bonds.

(4) In the valid warrants or bonds of any city, town, county, school district, port district, or other municipal corporation in the State of Washington issued pursuant to law and for the payment of which the faith and credit of such municipality, county, or district is pledged and taxes are leviable upon all taxable property within its limits.

(5) In the valid bonds or warrants of any city, county, school district, port district, or other municipal corporation in the United States having a population of not less than 50,000 inhabitants as deter-

mined by the last Federal census, which city, county, or district has not defaulted in interest or principal of any general obligation within ten years last past and for the payment of which the faith and credit of such municipality, county, or district are pledged and taxes are leviable upon all property within its limits.

No such investment shall be made, however, unless such bonds or warrants are rated not less than BAA by Moodys Investors Service or have equivalent rating of another standard rating bureau.

(6) In the light, water, or sewer revenue bonds of any city of this state for the payment of which the entire revenue of the city's light, water, or sewer system, less maintenance and operating costs, is irrevocably pledged.

In light,
water or
sewer
revenue
bonds.

(7) In the bonds of any irrigation, diking, drainage, diking improvement, or drainage improvement district of the county in this state in which is located the principal office of the association, unless the total indebtedness of the district, after the completion of the improvements for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceeds forty per cent (40%) of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the association, according to the actual valuation last placed upon the property for general taxation.

In irrigation
district
bonds.

Before any such bonds are purchased or taken as security, the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the board of the savings and loan association or two competent appraisers appointed by the board, who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report be favorable, nor unless the executive committee of the

board of directors, after careful investigation, is satisfied of the validity of the bonds and of the sufficiency of the assessment or other means provided for payment thereof: *Provided, however,* That no association shall invest a sum greater than three per cent (3%) of its funds, or, in any event, more than one hundred thousand dollars (\$100,000), in the bonds of any one district described in this section.

In local improvement district bonds.

(8) In the bonds of any local improvement district of any city of this state (except bonds issued for an improvement consisting of grading only), the ultimate payment of which is guaranteed by the municipality under the provisions of guaranty laws of this state: *Provided,* That one-half of the lots in the local improvement district be improved with revenue producing houses or other improvements and that local improvement district bonds falling within the fifty per cent (50%), in amount of any issue, last callable for payment shall neither be acquired, nor taken as security, and that no association shall invest a sum greater than three per cent (3%) of its funds, or, in any event, not more than one hundred thousand dollars (\$100,000) in the bonds of any one district described in this section.

In Federal Home Loan bonds.

(9) In stock or bonds of any Federal home loan bank, the home owners' loan corporation, any Federal land bank, the Federal savings and loan insurance corporation, the Federal housing administration, or any state or Federal agency organized under authority of the laws of the United States or of the State of Washington, authorized to loan to or act as a fiscal agency for a savings and loan association, and in bonds of a national mortgage association created under the laws of the United States Government.

In mortgage loans.

(10) In first mortgage loans substantially all of which shall be made to members. For every mortgage loan made the borrower shall execute a note stating the terms of the contract, and in every case

such loan shall constitute a first lien upon a fee estate in improved real property. Loans not amortized at least annually are prohibited. Notwithstanding any law limiting the amount that an association may loan to an individual or upon any property, an association may make any mortgage loan insured by the Federal housing administrator or other Federal or state agency, or for which such administrator or agency has issued commitment to insure. Monthly repayment loans not so insured shall not be in excess of sixty per cent (60%) of the appraised value of the property except that, where secured by property occupied by or intended for the occupancy of the borrower as his home, on which the house is less than one year old at the date of the mortgage or is under construction, the loan shall not be in excess of seventy-five per cent (75%) of such appraised value. Such appraised value shall be based upon the value of the land, together with the permanent improvements thereon. Appraisals of the value of property upon which loans are to be made shall be determined by two appraisers appointed by the board of directors and approved for such service by the supervisor, such appraisal to be made in writing stating the conservative value of the property, and that each appraiser has personally examined said property, and signed by the appraisers, to be filed with the association before any mortgage loan shall be made. Before any mortgage loan shall be made, the association shall require abstract of title as to the mortgaged property, duly certified by a responsible person or corporation maintaining a complete set of abstract indices to land in the county where such real estate is situated, to be accompanied by a written opinion of a competent attorney to the effect that the proposed mortgage will constitute a first lien upon such property; or a policy of title insurance executed by a responsible title insurance

Restrictions.

Appraisals.

Abstract of title.

corporation; or in the case of lands registered under the Torrens system, a duplicate certificate of ownership issued by a registrar of titles, and which loan shall provide that the mortgagor maintain fire insurance upon the buildings and improvements on the mortgaged premises, to be in a company authorized to transact the business of writing fire insurance in this state in such amount as shall be stipulated in the mortgage and with mortgagee loss payable clause attached thereto in favor of the association, and that the said policies be deposited with and held by the association pending payment of the loan. No association shall make any real estate loans except on first mortgages, as in this act provided: *And provided*, That every association shall have at least eighty per cent (80%) in amount of its real estate mortgage loan investments in the form of monthly installment loans.

Real estate
contracts.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that, when so used, the property will be improved to the extent required by this section.

(11) In the purchase of real estate contracts, under the following conditions only:

(a) That it must acquire the title in fee to the property covered by such contract;

(b) That the property be such as would be eligible for a mortgage loan under paragraph (10) of this section;

(c) That not less than twenty per cent (20%) of the principal of the purchase price under said contract shall have been paid or that the amount due under said contract shall not exceed seventy-five per cent (75%) of the appraised value of the property, whichever is the lower, and that the purchaser shall not be in default in performance of any of the terms of said contract;

(d) That the remainder of the purchase price of the contract will, by its terms, be paid within the periods provided in this act for the payment of mortgage loans.

(12) Not to exceed ten per cent (10%) of its funds in promissory notes payable to the order of the association upon demand, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by an association, or secured by pledge or assignment of one or more real estate mortgages of the class prescribed in paragraph (10) of this section, but no such loan shall exceed seventy-five per cent (75%) of the cash market value of the securities so pledged.

Should any of the securities so held in pledge depreciate in value after the making of such loan, the association shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed seventy-five per cent (75%) of the market value of the securities so pledged for such loan.

(13) When permitted by its by-laws and if not on notice as to withdrawal of shares, in promissory notes made payable to the order of the association on demand, secured by the pledge and assignment of the pass book of the borrowing member as collateral security for the payment thereof. No such loan shall exceed ninety per cent (90%) of the balance due to the holder of such pass book as shown therein.

(14) If not on notice as to withdrawal of shares, in loans upon its own debentures and upon the debentures of any other association doing business in this state in a sum not exceeding ninety per cent (90%) of the principal amount due upon such debentures.

(15) In its shares or savings accounts or the shares or savings accounts of any other association

in this state, either state or Federal, the shares or savings accounts of which are insured by the Federal savings and loan insurance corporation or any other Federal or state agency authorized thereto. Such investments may be either by loan or purchase: *Provided, however,* That such investments shall not exceed, in any purchase or loan, ninety per cent (90%) of the face value of such shares or savings account.

(16) In furniture, fixtures, and office equipment convenient and necessary for the carrying on of its business.

SEC. 12. Section 57 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-57) is amended to read as follows:

Section 57. Subject to the provisions of this act and not otherwise, an association may buy, sell or exchange, convey, lease, and/or mortgage and deal in real property including such real estate or leasehold interest therein now owned or as may be reasonably required for the transaction of its business, which may include space for rental by the association to tenants, and the acquisition of real estate through foreclosure or otherwise realized upon security taken by it: *Provided,* That an association shall not expend or obligate itself for the purchase and improvement of real estate for its business locations in an amount greater than five per cent (5%) of its then assets: *And further provided,* That this section shall not affect associations as to investments already made in real property for business locations, and it shall not prohibit an investment not exceeding ten per cent (10%) of the assets of the association in business location properties, provided it can be clearly shown to the satisfaction of the supervisor, as evidenced by his written approval thereof, that the contingent fund together with surplus and undivided profits of the association are

Amends
§ 3717-57
Rem. Rev.
Stat.

Real
property.

equal to five per cent (5%) of the shares of all classes and groups issued by it, plus creditor liabilities, as shown by the last preceding semi-annual statement, and that the reasonable rate of net income to be derived from the investment in its business location property shall be equal to its last dividend rate to members. Net income shall be determined by subtracting from gross income (as determined by going rentals for similar space in the vicinity, which may include reasonable rental from the association, as well as other tenants) the actual operating expenses for the property, plus depreciation and obsolescence (of not less than two per cent (2%) per annum on the improvements thereon) based on the reasonable life of the building at the time of purchase or construction.

SEC. 13. Section 65 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes 3717-65) is amended to read as follows:

Amends
§ 3717-65
Rem. Rev.
Stat.

Section 65. Dividends shall not be computed on less than monthly balances and no dividends shall be paid on withdrawals during any dividend period. For dividend purposes, shares purchased on or before the 10th day of any month may have dividends as if purchased on the first day of said month.

Computation
of dividends.

SEC. 14. Chapter 9 of the Laws of 1935 (Remington's Revised Statutes 3717-49a, and 3717-52a, and 3717-56a), is repealed.

Repeal.

Passed the House March 2, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 99.

[H. B. 368.]

FRATERNAL BENEFIT SOCIETIES.

AN ACT relating to fraternal benefit societies; permitting such societies to admit to beneficiary membership certain persons without medical examination; and amending section 212 of chapter 49 of the Laws of 1911 (section 7265 of Remington's Revised Statutes).

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

Amends
§ 7265 Rem.
Rev. Stat.

SECTION 1. That section 212 of chapter 49 of the Laws of 1911 (section 7265 of Remington's Revised Statutes) be amended to read as follows:

Membership
without
medical
examination.

Section 212. Any society may admit to beneficiary membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified practicing physician and whose examination has been supervised and approved in accordance with the laws of the society: *Provided*, That any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members, or from admitting any person to beneficiary membership who is not less than sixteen nor more than sixty years of age, without medical examination: *Provided*, That such person so admitted shall have made a declaration of insurability acceptable to the society: *And provided further*, That the amount of the certificate issued to such person admitted without medical examination shall not exceed the sum of one thousand dollars (\$1000).

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 100.

[H. B. 372.]

UNIFORM STOCK TRANSFER ACT.

AN ACT to regulate the indorsement, transfer and delivery of shares of stock in corporations, and to make uniform the law with relation thereto, and to repeal all acts and parts of acts in conflict herewith.

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

SECTION 1. How Title to Certificates and Shares May be Transferred. Title to a certificate and to the shares represented thereby can be transferred only

Transfer of title to certificates and shares.

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

SEC. 2. Powers of Those Lacking Full Legal Capacity and of Fiduciaries not Enlarged.

Legal incapacity—fiduciaries.

Nothing in this act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or ad-

ministrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Registered holder.

SEC. 3. Corporation not Forbidden to Treat Registered Holder as Owner.

Nothing in this act shall be construed as forbidding a corporation,

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Title derived from certificate.

SEC. 4. Title Derived from Certificate Extinguishes Title Derived from a Separate Document.

The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Delivery of certificate.

SEC. 5. Who May Deliver a Certificate.

The delivery of a certificate to transfer title in accordance with the provisions of section 1, is effectual, except as provided in section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Effectual endorsement.

SEC. 6. Indorsement Effectual in Spite of Fraud, Duress, Mistakes, Revocation, Death, Incapacity or Lack of Consideration or Authority.

The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in section 7, though the indorser or transferer,

(a) Was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) Has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) Has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) Has received no consideration.

SEC. 7. Rescission of Transfer.

Rescission
of transfer.

If the indorsement or delivery of a certificate,

(a) Was procured by fraud or duress, or

(b) Was made under such mistake as to make the indorsement or delivery inequitable, or

(c) Without authority from the owner, or

(d) After the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless:

1. The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or

2. The injured person has elected to waive the injury or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof, and, pending litigation, may enjoin the further transfer of the certificate or impound it.

SEC. 8. Rescission of Transfer of Certificate Does not Invalidate Subsequent Transfer by Transferee in Possession.

Subsequent
transfer.

Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Delivery of unindorsed certificate.

SEC. 9. Delivery of Unindorsed Certificate Imposes Obligation to Indorse.

The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Attempted transfer without delivery of certificate.

SEC. 10. Ineffectual Attempt to Transfer Amounts to a Promise to Transfer.

An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Warranties.

SEC. 11. Warranties on Sale of Certificate.

A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants,

- (a) That the certificate is genuine.
- (b) That he has a legal right to transfer it, and
- (c) That he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

SEC. 12. No Warranty Implied from Accepting Payment of a Debt.

A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or received payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

No warranty implied from accepting payment of a debt.

SEC. 13. No Attachment or Levy upon Shares Unless Certificate Surrendered or Transfer Enjoined.

No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Attachment or levy.

SEC. 14. Creditor's Remedies to Reach Certificate.

A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Creditors' remedies.

Lien or
restriction.

SEC. 15. There Shall be no Lien or Restriction Unless Indicated on Certificate.

There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Alteration.

SEC. 16. Alteration of Certificate Does not Divest Title to Shares.

The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Lost or
destroyed
certificate.

SEC. 17. Lost or Destroyed Certificate.

Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or

shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

SEC. 18. Rule for Cases not Provided for by This Act. Rules governing.

In any case not provided for by this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

SEC. 19. Interpretation Shall Give Effect to Purpose of Uniformity. Construction of act.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

SEC. 20. Definition of Indorsement. Definition of endorsement.

A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when upon the back of the certificate, the signature of such person is written without more. In any of such cases a certificate is indorsed though it has not been delivered.

SEC. 21. Definition of Person Appearing to be the Owner of Certificate. Owner of certificate defined.

The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person ap-

pearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Definitions.

SEC. 22. Other Definitions.

(1) In this act, unless the context or subject matter otherwise requires:

“Certificate” means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

“Delivery” means voluntary transfer of possession from one person to another.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Shares” means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

“State” includes state, territory, district and insular possession of the United States.

“Transfer” means transfer of legal title.

“Title” means legal title and does not include a merely equitable or beneficial ownership or interest.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith” within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Existing certificates.

SEC. 23. Act Does not Apply to Existing Certificates.

The provisions of this act apply only to certificates issued after the taking effect of this act. Application of act.

SEC. 24. Inconsistent Legislation Repealed.

All acts or parts of acts inconsistent with this act are hereby repealed. Inconsistent acts repealed.

SEC. 25. Name of Act.

This act may be cited as the Uniform Stock Transfer Act. Name of act.

Passed the House February 25, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 101.

[H. B. 381.]

LA CONNER TIDELANDS.

AN ACT relating to the sale of tidelands in front of the city of La Conner.

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

SECTION 1. The Commissioner of Public Lands of the State of Washington be and he is hereby authorized to offer for sale in the manner provided by law on application of the city authorities of the city of La Conner, a strip of tidelands six hundred (600) feet wide parallel and adjacent to the east side of the United States Government jetty as now established between the line of extreme low tide in front of lot 9, section 1, township 33 north, range 2 east, W. M., and the outer harbor line of the city of La Conner in front of lot 3 in section 1, township 33 north, range 2 east, W. M. Sale of tidelands.

Passed the House March 1, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 102.

[H. B. 385.]

INVESTMENTS OF DOMESTIC INSURANCE COMPANIES.

AN ACT relating to insurance and amending section 1 of chapter 120 of the Laws of 1937 (section 7054-1 of Remington's Revised Statutes).

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

Amends
§ 7054-1 Rem.
Rev. Stat.

SECTION 1. Section 1 of chapter 120 of the Laws of 1937 (section 7054-1 of Remington's Revised Statutes) is hereby amended to read as follows:

Authorized
investment
of minimum
capital.

Section 1. The capital stock of every domestic insurance company required to have a capital to the extent of the minimum capital required by law, except as specifically authorized or limited by this act, shall be invested and kept invested as follows:

(a) In the legally issued bonds, warrants, and securities of the United States, or the District of Columbia, or of any state of the United States, not estimated above their current market value; or,

(b) In the legally issued bonds, warrants, and securities of any county, incorporated city, or incorporated school district of the state, which has not defaulted in the payment of interest on any of its bonds, warrants or securities within three years, and which shall not be estimated above their par value, or their current market value; or,

(c) In the legally issued notes and bonds secured by mortgages or deeds of trust which shall be first liens on unencumbered real property in this state worth fifty per centum more than the amount loaned thereon, except that assessments and taxes not delinquent, leases under which at least ninety per cent (90%) of the rents are all payable in the future, party-wall agreements, reservations of minerals, oils, and timber, easements and rights of way for sewer, telephone, telegraph, electric light and

power lines, drains, ditches, railroads, etc.; building, use or occupancy restrictions common to the community in which the property is located, liens for service and maintenance of water rights where not delinquent, shall not be regarded as encumbrances: *However*, If under any of such exceptions there is any sum owing but not due or delinquent, the total amount of such sum shall be deducted from the amount which otherwise might be loaned on the property, and the value of any timber or right reserved shall not be included in the appraised value of the property. Where buildings or other improvements constitute a material part of the value of the mortgaged premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee; or,

(d) In any security or securities or class of security or securities when approved by the Insurance Commissioner.

Passed the House February 28, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 103.

[H. B. 407.]

INSURANCE RATING SCHEDULES.

AN ACT relating to insurance companies; providing requirements for doing business in this state; requiring filing of rating schedules; and amending section 1 of chapter 88 of the Laws of 1935 (section 7118 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 88 of the Laws of 1935 (section 7118 of Remington's Revised Statutes) is amended to read as follows:

Amends
§ 7118 Rem.
Rev. Stat.

Rating
schedule
files.

Approval.

Experience
of five years.

Amendatory
schedules.

Section 1. Every insurance company desiring to transact the business of making insurance as an insurer in this state, excepting life, accident and health, and marine insurance companies, must, as to any business it transacts, file in the office of the Insurance Commissioner, to be approved by him before such filing shall be deemed effective, its policy forms, rules and rating schedules, or, it may adopt entirely, the advisory rules and rates of any rating bureau organized as provided in section 74 of this act: *Provided*, That any insurance company that has maintained and used within the State of Washington for a period of five years or more prior to January 1st, 1935, its own forms, rules and rating schedules may maintain the same, or amendments thereto as hereinafter provided, as to the particular class or classes covered by such forms, rules and rating schedules, and adopt the advisory rules and rates of any rating bureau organization as to the balance of the class or classes of its said business. If a company has not been authorized and has not transacted business in this or any other state for at least five years next preceding January 1, 1939, it shall not be permitted to file its own forms, rules and schedules, but shall be a member of or subscriber to such rating organization until it shall have had an experience of five continuous years. Every such company and its agents shall observe its policy forms, rules and rating schedules and/or advisory rules and rates, and shall not amend the same or deviate therefrom except in accordance with the authority herein contained. Any such company which shall adopt all or any part of its own rating schedules shall not amend or correct the schedules so filed until it shall have filed amendatory or corrective schedules in the office of the Insurance Commissioner for a period of at least fifteen days, and until and unless such amendatory or cor-

rective schedules have been approved by the Insurance Commissioner. If such company shall adopt all the advisory rates of any such rating bureau, or any particular class or classes thereof, it shall file written notice with the Insurance Commissioner of its adoption of such rates or class or classes thereof, specifying the same; and shall not deviate therefrom until it shall have filed notice of such deviation in the office of the Insurance Commissioner for a period of at least thirty days, and until and unless such deviation shall have been approved by the Insurance Commissioner, but such approval shall not be granted unless the financial condition of such company and the general experience of the companies as to the insuring of like risks, and covering a period of not less than five years next preceding, warrants such deviation: *Provided, however,* That no such deviation by a company having less than five years' experience in this or any other state shall be approved by the Insurance Commissioner if such deviation is greater than any deviation then in effect. Any such deviation so made shall be by a uniform percentage of addition to all of such rates, or to all of the classes so adopted by it, or by a uniform percentage of decrease from all of such rates, or from all the classes so adopted by it; and any such deviation shall continue without change for a period of one year from the date of approval of the same by the Insurance Commissioner.

Adoption
of rates.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 11, 1939.

CHAPTER 104.

[S. B. 51.]

DELINQUENT TAX CONTRACTS.

AN ACT relating to taxation, authorizing installment contracts for the payment of delinquent real property taxes, prescribing powers and duties of county treasurers in connection therewith and declaring an emergency.

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

Installment
contracts.

SECTION 1. At any time on or before the 30th day of November, 1939, the county treasurer of any county in the state is authorized and directed to accept from any person or corporation owning one or more parcels of real property in the state or holding a contract for the purchase thereof, or from a mortgagee or other lien holder having a mortgage or other lien against such property, upon which one or more payments or installments of property taxes for 1935 or prior years are delinquent, a signed agreement, first, to pay before delinquency the current taxes upon such property payable in the year 1939 and each year thereafter, and, secondly, to pay in twenty semi-annual installments (a) the total delinquent taxes upon such property for 1935 and prior years plus (b) the total delinquent taxes upon such property for the years 1936 and 1937, if any, together with accrued interest thereon. Upon closing such a contract all other penalties and interest upon said delinquent taxes shall be suspended, providing said contract is fully carried out. The sum of (a) and (b) shall become the principal of an agreement executed under this act, which the holder shall agree to pay in twenty equal installments beginning with the date of the agreement and continuing on the 30th day of each November and 31st day of each May thereafter, together with interest on unpaid balances thereof at

the rate of six per cent per annum from the date of the agreement. Payments made in accordance with the terms of such agreements shall be applied first to the payment of the interest incorporated therein and when such interest has been fully paid the balance of payments shall be applied to the tax longest delinquent. All interest collected under such agreements, including that incorporated in the principal of the agreement shall be credited to the county current expense fund. Such agreement shall provide that any unpaid balance thereunder at the election of such person or corporation may be paid in full at any time with interest thereon up to and including the day of payment. It shall further provide that in the event two successive installments are not paid on or before the date when due or in the event that an installment of taxes payable in the year 1939 or any year thereafter is not paid within twelve months after the same shall become delinquent, the agreement shall become void and of no effect whatsoever. Upon the agreement becoming void the unpaid portion of the original tax and interest thereon shall be restored upon the tax rolls and the county shall institute tax foreclosure proceedings as provided by law.

Unpaid
balance
payable at
election of
taxpayer.

Delinquent
installments.

SEC. 2. The taxes incorporated in agreements under this act shall remain a first lien on the property until the agreement is fully paid and satisfied. This act shall not apply to any tax upon which a judgment has been entered or for which a certificate of delinquency has been issued to any person other than the county. The county treasurer shall withhold foreclosure proceedings upon the property as long as the signer of the agreement complies with the terms thereof. An agreement under this act shall become effective upon the signing thereof accompanied by the payment of one or more installments thereof, and the payment of such portion of

Taxes lien
upon
property.

Contested
taxes.

the current taxes as are then due and payable or delinquent. No person shall be entitled to the benefit of this act with respect to taxes which are being or which shall hereafter be contested: *Provided*, That if any such contest is dismissed and the contestant pays all costs incurred, such dismissing contestant shall be entitled to the benefit of this act.

Effective
immediately.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 27, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 105.

[S. B. 65.]

SALARIES OF CITY OFFICERS.

AN ACT relating to salaries of officers of cities of the second class and amending section 12, section 20, section 21, section 22 and section 26 of chapter 241 of the Laws of 1907.

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

Amends
§ 9017 Rem.
Rev. Stat.;
§ 725 P. C.

SECTION 1. Section 12 of chapter 241 of the Laws of 1907 (section 9017 of Remington's Revised Statutes; section 725 of Pierce's Code) is hereby amended to read as follows:

Salaries.

Section 12. The mayor and members of the city council shall receive such salaries as may be fixed by the city council by ordinance: *Provided*, That the salary of the mayor shall not exceed the sum of fifteen hundred dollars (\$1,500) per annum, nor shall the salary of any member of the city council exceed the sum of four hundred dollars (\$400) per annum: *Provided*, That a deduction of five dollars for each absence shall be made from the salary of

each member of the city council who shall be absent from any regular meeting of the city council. The city council shall also by ordinance fix the salaries of the city treasurer, city clerk, city attorney, police judge, street commissioner and chief of police, subject to the limitations hereinafter contained. The salary of all other officers mentioned in this act, and not herein expressly provided for, shall be fixed by the city council, except that the library trustees shall serve without salary or compensation. The salary or compensation of no officer of such city shall be increased or diminished during his term of office, nor shall any such officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have the power to require such officer to perform by virtue of his office. The salaries of all city officers shall be payable monthly.

Restriction.

SEC. 2. Section 20 of chapter 241 of the Laws of 1907 (section 9025 of Remington's Revised Statutes; section 733 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 9025 Rem.
Rev. Stat.;
§ 733 P. C.

Section 20. It shall be the duty of the city clerk to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the city council and to keep a journal of their proceedings and records of all their resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council and to affix the corporate seal on such licenses; to sign all deeds, leases, contracts, bonds and other documents when authorized by the council; to keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof; also to keep an account in an appropriate book of all licenses

Duties of
city clerk.

issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted and the sums paid therefor and to perform such other duties as he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the council not exceeding the sum of two hundred and fifty dollars (\$250) per month.

Amends
§ 9026 Rem.
Rev. Stat.;
§ 734 P. C.

SEC. 3. Section 21 of chapter 241 of the Laws of 1907 (section 9026 of Remington's Revised Statutes; section 734 of Pierce's Code) is hereby amended to read as follows:

Salary of
Chief of
Police.

Section 21. The chief of police shall receive a salary which shall not exceed the sum of twenty-seven hundred dollars (\$2,700) per annum to be determined by the city council.

Amends
§ 9027 Rem.
Rev. Stat.;
§ 735 P. C.

SEC. 4. Section 22 of chapter 241 of the Laws of 1907 (section 9027 of Remington's Revised Statutes; section 735 of Pierce's Code) is hereby amended to read as follows:

Salary of
city
treasurer.

Section 22. The city treasurer shall receive a salary which shall not exceed the sum of twenty-seven hundred dollars (\$2,700) per annum to be fixed by the city council.

Amends
§ 9031 Rem.
Rev. Stat.;
§ 739 P. C.

SEC. 5. Section 26 of chapter 241 of the Laws of 1907 (section 9031 of Remington's Revised Statutes; section 739 of Pierce's Code) is hereby amended to read as follows:

City
Attorney.

Section 26. The city attorney shall be the legal adviser of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly interested, and shall prosecute all violations of the city ordinances, and shall act generally as the attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct.

He shall receive such salary as may be determined by the city council, not exceeding, however, the sum of twenty-seven hundred dollars (\$2,700) per annum.

Passed the Senate February 17, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 106.

[S. B. 98.]

UTILITY BONDS ISSUED BY STATE FOREST BOARD.

AN ACT relating to the acquiring, seeding, reforestation and administration of lands for state forests; providing for the issuance and disposition of \$300,000 of utility bonds therefor; and amending section 2 of chapter 104 of the Laws of 1937.

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

SECTION 1. That section 2 of chapter 104 of the Laws of 1937 (section 5812-11 of Remington's Revised Statutes; section 2578-18 of Pierce's Code), be amended to read as follows:

Amends
§ 5812-11
Rem. Rev.
Stat.;
§ 2578-18
P. C.

Section 2. That for the purpose of acquiring, seeding, reforestation and administering lands for forests and of carrying out the provisions of chapter 154 of the Laws of 1923, the state forest board is authorized to issue and dispose of utility bonds of the State of Washington in an amount not to exceed three hundred thousand dollars (\$300,000) in principal during the biennium expiring March 31, 1941: *Provided, however,* That no sum in excess of one dollar (\$1) per acre shall ever be paid or allowed either in cash, bonds, or otherwise, for any lands suitable for forest growth, but devoid of such, nor shall any sum in excess of three dollars (\$3) per acre

Utility bonds
issued.

be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Passed the Senate February 6, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 107.

[S. B. 111.]

STORAGE OF WATER.

AN ACT relating to water and water rights and works and structures for the control and storage of water and the flowage thereof, and to the establishment of the water level of lakes and the jurisdiction of the superior courts in connection therewith, and amending section 36 of chapter 117, Laws of 1917, and declaring an emergency.

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

SECTION 1. That section 36, chapter 117, Laws of 1917, (section 7388, Remington's Revised Statutes) be and the same is hereby amended to read as follows:

Section 36. Any person, corporation or association intending to construct any dam or controlling works for the storage of ten acre-feet or more of water, shall before beginning said construction, submit plans and specifications of the same to the State Supervisor of Hydraulics for his examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained, as a public record, by the State Supervisor of Hydraulics, and the other returned with his approval or rejection endorsed thereon. No such dam or controlling works shall be constructed until the same or any modification thereof shall have been approved as to its safety

Amends
§ 7388 Rem.
Rev. Stat.

Specifica-
tions to be
submitted
for approval.

by the State Supervisor of Hydraulics. Any such dam or controlling works constructed in any manner other than in accordance with plans and specifications approved by the State Supervisor of Hydraulics shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the prosecuting attorney of the county wherein such dam or controlling works, or the major portion thereof, is situated to institute abatement proceedings against the owner or owners of such dam or controlling works, whenever he is requested to do so by the State Supervisor of Hydraulics.

SEC. 2. Any ten or more owners of real property abutting on any meandered lake in the State of Washington may petition the superior court of the county in which such lake may be wholly situated for an order to provide for the regulation of the outflow of such lake in order to maintain a certain water level therein, in the interests of flood control, and said superior court is hereby authorized, after hearing, to make and enter an order fixing the water level thereof and directing the State Supervisor of Hydraulics to regulate the outflow therefrom for the purpose of maintaining such water level so fixed: *Provided*, That this section shall not apply to any meandered lake or reservoir used for the storage of water for irrigation or other beneficial purposes: *Provided further*, That this section shall not apply to lakes navigable from the sea.

Petition of
abutting
owners on
meandered
lake.

SEC. 3. Such petition shall contain a complete description of the property surrounding said lake with the number of front feet contained in each tract with the name of the owner thereof and his address together with a brief statement of the reasons and necessity for such application; that the level sought to be established will in no wise interfere with the navigability of said lake or in any manner affect or

interfere with fish or game fish which may be then contained or may thereafter be deposited in said lake, but that in order to protect fish or game fish in said lake the construction of fish ladders or other devices may be required to conserve and protect such fish or game fish, then in that event the property owners to be benefited by the establishment of said water level in such lake shall be required to pay the cost thereof, in proportion to lineal feet of water front owned by each.

Form of
petition.

SEC. 4. The petition to the superior court shall be entitled "In the Matter of fixing the level of Lake in County, Washington," and shall be filed with the clerk of the court, and a copy thereof, together with a copy of the order fixing the time for hearing said petition, shall be served upon each owner of property abutting on said lake not less than ten (10) days prior to the date of such hearing. Like copies shall also be served upon the Director of the Department of Fisheries, the Director of the Department of Game and the Supervisor of Hydraulics, all of the State of Washington.

Hearing and
order.

SEC. 5. At the hearing before the superior court, evidence shall be introduced in support of the petition and all interested parties may be heard for or against said petition, at the conclusion of which the court shall make and enter findings and conclusions and enter a final order granting or refusing such petition or application, and in the event such petition is granted shall fix the water level to be maintained and direct the Supervisor of Hydraulics of the State of Washington to regulate and control the outflow of said lake so as to properly maintain said water level whenever the proper control devices shall have been installed.

Protection
of fish.

SEC. 6. In the event the court shall find that to protect fish and game fish in said lake that fish

ladders or other devices should be constructed there-in or that other construction shall be necessary in order to maintain the determined lake level, the court shall find the proper device to be constructed, the probable cost thereof and by its order and judgment shall apportion the cost thereof among the persons whose property abuts on said lake in proportion to the lineal feet of waterfront owned by each, which sum so found shall constitute a lien against said real property and shall be paid to the county treasurer and by him placed in a special fund to be known as "Lake..... Improvement Fund." The Supervisor of Hydraulics shall appoint a suitable person to be compensated by the property owners to regulate the determined level as decreed by the court.

SEC. 7. Such improvement or device in said lake for the protection of the fish and game fish therein shall be installed by and under the direction of the board of county commissioners of said county with the approval of the respective Directors of the Department of Fisheries, the Department of Game and the Director of Hydraulics of the State of Washington and paid for out of the special fund provided for in section 5 hereof.

Installment of fish protection device.

SEC. 8. Any person aggrieved by the order of judgment of the superior court may appeal to the supreme court in the same manner as in other civil actions.

Appeal from judgment.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Effective immediately.

Passed the Senate March 6, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 108.

[S. B. 135.]

PUBLIC LIBRARIES.

AN ACT relating to free public libraries and the trustees thereof, providing for a special levy, establishing a fund, and amending section 8 and section 10 of and adding section 9a to chapter 119 of the Laws of 1935.

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

Amends
§ 8226-8 Rem.
Rev. Stat.;
§ 5489-38
P. C.

SECTION 1. Section 8 of chapter 119 of the Laws of 1935 (section 8226-8 of Remington's Revised Statutes; section 5489-38 of Pierce's Code) is hereby amended to read as follows:

Board of
trustees.

Section 8. The management and control of a library shall be vested in a board of five (5) trustees. In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. In counties they shall be appointed by the board of county commissioners. In a regional library district they shall be appointed by the joint action of all the county commissioners in the district. In school districts they shall be elected by the voters in the manner in which school directors are elected. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen: *Provided*, That where the library is a school district public library, the remaining members of the board of trustees shall fill such vacancies by appointment, for terms to expire at the next regular election of library trustees. A trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library

fund. A library trustee may be removed only by vote of the legislative body: *Provided*, That a library trustee of a school district public library may be removed only by a majority vote of the other trustees.

SEC. 2. Chapter 119 of the Laws of 1935 (section 8226-1 to section 8226-20, inclusive, of Remington's Revised Statutes; section 5489-31 to section 5489-50, inclusive, of Pierce's Code) is hereby amended by adding thereto a new section to be known as section 9a, to read as follows:

Adds § 9a to ch. 119, Laws 1935.

Section 9a. The trustees of any school district public library may submit to the qualified voters of such school district at a special election to be called for that purpose by the board of directors of such school district, in the manner provided by law, the proposition of whether a special levy of not to exceed two (2) mills, which shall be in addition to all other taxes levied by or for said school district, shall be levied upon all the taxable property of said district for the purpose of providing for the support of said library. If said proposed tax is authorized as provided by law, the same shall be levied and collected annually either as directed by said proposition or, in the absence of such direction, as are other general taxes upon real property.

Special election to authorize additional levy.

SEC. 3. Section 10 of chapter 119 of the Laws of 1935 (section 8226-10 of Remington's Revised Statutes; section 5489-40 of Pierce's Code) is hereby amended to read as follows:

Amends § 8226-10 Rem. Rev. Stat.; § 5489-40 P. C.

Section 10. After a library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library and so far as possible, the taxes levied and collected for this purpose shall be levied and collected within the territory to be served: *Provided*,

Annual appropriation.

Free public
library fund.

That with respect to a school district public library it shall not be necessary for the school board of the district in which said library is located to make an appropriation of the moneys derived from the levy provided in section 9a of this act, but all such moneys shall at all times be available for the use of said library. All funds for the library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of the governmental unit, and shall constitute a separate fund called the "Free Public Library Fund," and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures from the fund subject to any examination of accounts required by the state and money shall be paid from the fund only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and/or available for library purposes.

Passed the Senate February 22, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 109.

[S. B. 194.]

FOOD FISH.

AN Act relating to and prescribing purposes for which food fish may be taken, possessed and used; amending section 69 of chapter 31 of the Laws of 1915; defining offenses; providing penalties; and declaring that this act shall take effect March 31st, 1939.

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

SECTION 1. Section 69 of chapter 31 of the Laws of 1915 (section 5721 of Remington's Revised Statutes; section 2478 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 5721 Rem.
Rev. Stat.;
§ 2478 P. C.

Section 69. It shall be unlawful to take or fish for, or have in possession, any food fish of any kind, character or description, unless the same are to be used for food or bait: *Provided*, That the Director of Fisheries shall have the power from time to time to make, adopt, amend and promulgate in the manner provided by law, rules and regulations permitting the possession, sale or use of any species of food fish for the purpose of feeding the same to fur bearing animals.

Unlawful to
use food fish
for other
than food
or bait.

It shall be unlawful for any person, firm or corporation to violate any of the rules, regulations or orders made by the Director of Fisheries or to violate any of the provisions of this section and any person, firm or corporation violating any of the rules, regulations or orders made by the Director of Fisheries, or any of the provisions of this section, shall be guilty of a misdemeanor.

Penalty.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1939.

Effective
immediately.

Passed the Senate February 11, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 110.

[S. B. 321.]

LICENSE TO SELL OIL AND MINING LEASES.

AN ACT relating to the public sale of oil, gas, metalliferous and non-metalliferous mining leases, providing for the regulation and supervision thereof, licensing of agents, filing of statutory statements, and prescribing penalties and fees therefor.

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

Definitions: SECTION 1. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section.

"Company." (a) "Company" shall mean every natural person, firm, partnership, association, private or public corporation and trustees (but not including executors, administrators, receivers or other trustees acting under the authority of a court).

"Lease" or "leases." (b) "Lease" or "leases" includes any instrument or instruments conveying title to oil, gas, metalliferous or non-metalliferous rights on a piece of real property, exclusive of title to the real property.

"Public sale." (c) "Public sale" shall mean and include any offering of three (3) or more leases to residents of the State of Washington.

License certificate. SEC. 2. No person shall sell or offer for sale to the public any oil, gas, metalliferous or non-metalliferous mining lease until such person shall have applied for and secured a certificate issued by the Director of Licenses, authorizing such person to engage in the business of selling leases. Every such license certificate shall be issued for a term of one (1) year but may be revoked for cause as provided in this act.

Application. To obtain such certificate, the applicant shall file an application verified before an officer empowered to administer oaths. Said application shall set forth the following:

- (a) The name and address of applicant;
- (b) The business in which the applicant has been engaged for the five (5) years immediately preceding the date of the application, and, if employed by another, the name of each employer;
- (c) The city, town and street address, if known, at which the business is to be conducted; and when established at a location, this information shall be furnished;
- (d) Such other information as the Director of Licenses may reasonably require to enable him to determine the trustworthiness of the applicant.

SEC. 3. Every company, as herein defined, desiring to sell at public sale any oil, gas, metalliferous or non-metalliferous mining lease shall, before such offering to the public of the State of Washington, file in triplicate with the Director of Licenses, a written statement herein called a "statutory statement," verified under oath, which shall contain the following information:

Statutory
statement.

- (a) Address of the registered business office within this state;
- (b) Names and address of all officers, directors, trustees or other managing agents and terms of office;
- (c) A complete description of the property, including maps designating location;
- (d) A full engineering or geological report on such lease signed by a qualified mining engineer or geologist. Such signed report, to be acceptable for filing, must have been made within three (3) years prior to the filing thereof;
- (e) The price at which said lease is to be offered to the public;
- (f) Amount of commission to be paid for the sale thereof;
- (g) Such other information as the Director of Licenses may require, including a financial state-

ment and statement of proposed development, if any.

Filing of statement.

SEC. 4. If such statutory statement or amended statement is, in the judgment of the Director of Licenses, sufficiently complete and definite and found to comply with the provisions of this act, he shall, within fifteen (15) days after receipt thereof, file the same and return to the office of the applicant, two (2) of the copies endorsed by the Director of Licenses on its face as filed. Such company shall be permitted to amend or revise the statutory statement from time to time in the same manner as original statements.

Prospectus.

SEC. 5. Every company, as herein defined, shall also prepare from such statutory statement, a printed prospectus containing only such information as is included in the statutory statement filed with the Director of Licenses, and such prospectus shall be left with the prospective purchaser for examination. Such prospectus shall further contain the statement that these leases have not been approved or disapproved by the department of licenses.

Fraud.

SEC. 6. The Director of Licenses on satisfactory proof that the holder of a certificate, as provided in section 2, is guilty of fraud or fraudulent misrepresentation of any fact in the sale or offering for sale of said lease, may revoke said certificate. He may, also, for good cause shown, temporarily suspend any rights granted under the certificate, provided that before any certificate is revoked, the Director of Licenses shall notify the holder of such certificate that such action is contemplated and such certificate holder shall have ten (10) days within which to submit evidence to show why such action should not be taken.

Fees.

SEC. 7. The Director of Licenses shall charge the following fees:

(a) For filing an application for a license certificate to sell, five dollars (\$5) annually;

(b) For filing a statutory statement, twenty-five dollars (\$25);

(c) For filing amendments to statutory statement, ten dollars (\$10).

SEC. 8. Every person who shall violate or knowingly aid or abet the violation of any provision of this act, and every person who fails to perform any act which it is his duty to perform herein, shall be guilty of a gross misdemeanor. Penalty.

Passed the Senate March 6, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 111.

[S. B. 371.]

BIG TREE STATE PARK.

AN ACT relating to Big Tree State Park, authorizing the disposition thereof by the state parks committee, creating the Federation park fund and providing therefor, making an appropriation and declaring that this act shall take effect immediately.

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

SECTION 1. In accordance with the wishes of the Washington State Federation of Women's Clubs, for the purpose of preventing the timber in Big Tree State Park from being further damaged and a continued menace to public safety, the state parks committee is hereby authorized to sell or enter into an exchange for the disposition of said park, being a portion of the northwest quarter (NW $\frac{1}{4}$) of section 15 and of the northeast quarter (NE $\frac{1}{4}$) of section 16, all of township 22 north, range 10 east, W. M., described as follows:

Beginning at the northwest corner of section 15; running thence north $88^{\circ} 11'$ east along the north line of section 15 for a distance of 1224 feet; thence south $0^{\circ} 51'$ west for a distance of 1380 feet more or less to a point on the north bank of the south fork of the Snoqualmie River; thence westerly along the north bank of the river for a distance of 1941 feet more or less to the east bank of Joy creek; thence northerly along the east bank of Joy creek for a distance of 1480 feet more or less to the north line of section 16; thence north $88^{\circ} 29'$ east along the north line of section 16, for a distance of 861 feet more or less to the point of beginning except the right of way of Sunset Highway, and also except all coal and minerals and the right to explore for and mine the same.

Authority
to sell.

The state parks committee is hereby authorized to sell said land with the timber thereon or to sell the timber separate from the land. The chairman and secretary of the state parks committee are hereby authorized and directed to certify, in the manner now provided for deeds to school and granted lands, to the Governor for deed and the Governor is hereby authorized and directed to execute and the Secretary of State to attest a deed conveying said land or timber to the purchaser thereof.

Authority
to exchange.

SEC. 2. If, in the judgment of the state parks committee, it is to the best interests of the state to exchange said Big Tree State Park area for another tract to be developed as a part of the state parks system, the chairman and secretary of the state parks committee, with the advice and approval of the Attorney General, are hereby authorized to execute such agreements, writings, relinquishments or deeds as are necessary or proper for the purpose of carrying such an exchange into effect.

Federation
park fund.

SEC. 3. There is hereby created the Federation park fund of which the State Treasurer shall be

the custodian. Any moneys received by the state parks committee under any of the authorities herein granted shall be placed in said fund and shall be kept separate and apart from the other funds of the state treasury, and shall be pledged for the purpose of acquiring another tract of land for a state park. The selection of said tract of land shall be made by the state parks committee. All moneys received under this act shall be deposited in a state depository and secured in the same manner as other state funds.

SEC. 4. There is hereby appropriated from the Federation park fund the sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary to carry out the purposes and provisions of this act. Appropriation.

SEC. 5. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately. Effective immediately.

Passed the Senate February 28, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 112.

[S. B. 409.]

CANDY AND CONFECTIONERY PRODUCTS.

AN ACT relating to the manufacture and distribution of candy and other confectionery products, and regulating the same; providing for the protection of public health and the prevention of frauds; defining terms; providing for permits and certificates and the procedure for revocation or suspension thereof; and prescribing penalties.

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

SECTION 1. It is hereby found and declared that the protection of public health and welfare requires Purpose of act.

certain control and regulation of the manufacture and distribution of candy and other confectionery products and of the persons engaged therein, in order that there may be prevented or eliminated insanitary or unhealthful conditions in connection with such manufacture and distribution which endanger public health and jeopardize the public source and supply of a nourishing, healthful food.

SEC. 2. Except where the context indicates a different meaning, terms used in this act shall be construed as defined herein.

"Confection."
SEC. 3. The term "confection" shall mean and include any solid combination of sugar or other saccharine substance, together with fruits, nuts, chocolate, or other flavoring or coloring substances.

"Confectioner."
SEC. 4. The term "confectioner" shall mean any person who prepares, processes, manufactures, sells, or distributes any confection within the State of Washington: *Provided, however,* That this definition shall not be construed to include any person selling confections exclusively at retail in a fixed place or places of business.

"Confectionery."
SEC. 5. The term "confectionery" shall mean any place, premises, or establishment where confections are regularly prepared, processed, manufactured, sold, or distributed, exclusive, however, of any place, premises, or establishment where confections are sold exclusively at retail in a fixed place or places of business.

"Person."
SEC. 6. The term "person" shall include individual, firm, corporation, association, or club.

"Director."
SEC. 7. The term "director" shall mean the Director of Agriculture of the State of Washington.

Permit.
SEC. 8. No confectioner shall operate within this state without a state confectioner's permit. Application for such permit shall be made in writing, and

under oath, to the director upon such forms and with such pertinent information as shall be required by him.

SEC. 9. Each permit issued under this act shall expire on December 31 following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director the previous year's permit and paying to the director the required annual permit fee. Such renewal must be obtained on or before the first day of January of each succeeding year. No permit shall be transferable nor shall it be applicable to any location other than that for which it was originally issued.

Expiration
and renewal.

SEC. 10. There shall be paid to the director with each application for a confectioner's permit or for a renewal thereof an annual permit fee of five dollars (\$5), and the funds derived therefrom shall be disbursed by the director for the administration and enforcement of this act.

Fee.

SEC. 11. The director may cancel or suspend any permit issued under this act if upon investigation he determines (1) that the permittee has violated any provisions of this act, or of any other law of this state relating to the manufacture or handling of any confectionery product, or any regulation effective thereunder, or (2) that the confectionery premises or any equipment used therein or in connection therewith is in an insanitary condition and the permittee has failed or refused to remedy such condition within ten (10) days after written notice to do so from the director.

Cancellation
or
suspension.

SEC. 12. No permit shall be revoked or suspended by the director until after a written statement of the grounds therefor has been served upon the permittee and he is given at least ten (10) days within which to answer such charge. For the purpose of

Notice.

making an investigation or of conducting a hearing with reference to such proposed revocation or suspension the Director of Agriculture shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents and testimony.

Appeal from
order of
director.

SEC. 13. Within thirty (30) days after an order revoking or suspending a permit under this act is made by the director, any party aggrieved thereby may appeal to the superior court of the county of his residence in this state. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director. The director shall, within twenty (20) days after receipt of such notice of appeal, serve and file notice of appearance and such appeal shall thereupon be deemed at issue. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No bond shall be required on such appeal, but such appeal shall not stay proceedings before the director. The trial of said issues shall be by the court, and an appeal shall lie from its judgment as in other civil cases.

Service by
registered
mail.

SEC. 14. Service as required in this act may be made by registered mail, return receipt requested, addressed to the permittee at the address given by him in his most recently filed application for a permit.

Diseased
persons.

SEC. 15. No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any confectionery.

SEC. 16. No person shall work or be permitted to work in any confectionery in storing, preparing, mixing, or handling any product or any ingredient

thereof without holding a certificate from a physician, duly accredited for that purpose by the state board of health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars (\$2), which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required, and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this act.

Health certificate required.

SEC. 17. Any certificate issued under section 16 of this act shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a confectionery to submit to proper and reasonable physical examination upon written demand of the State Board of Health shall be cause for revocation of that person's health certificate.

Revocation of certificate.

SEC. 18. No person shall prepare, process, manufacture, sell, distribute, or handle any confection containing any wormy, moldy, verminous, noxious, harmful, injurious, or deleterious substances.

Injurious substances.

SEC. 19. The director shall have the right at such time or times as he may deem advisable to make an inspection of any confectionery for which a permit has been issued under this act to determine whether or not the premises are constructed, equipped, and operated so as to comply with the requirements of this act and of all other laws applicable to either confectioneries or confectionery products, and of all regulations effective thereunder. The director shall

Inspection of premises.

also have the right to inspect any vehicle used by a confectioner in selling, distributing, or handling confections.

Facsimile of
trade mark
and name.

SEC. 20. Every confectioner shall file with the director a facsimile under oath, and in duplicate, of each trade mark and trade name, before the confection to which the same is applicable is sold, distributed, or handled within this state.

Consignment
unlawful.

SEC. 21. It shall be unlawful for any confectioner to sell confectionery products upon consignment within this state, or to leave or place any confectionery products with any person, firm, or corporation within this state pursuant to an agreement or understanding, either express or implied, that any such confectionery products, or any part thereof, not sold by the person with whom it is left or placed will be taken back, or that the price or other consideration therefor will be returned in whole or in part or that any allowance, credit, commission, rebate, or other thing of value will be given therefor. Nothing in this section shall prohibit a confectioner from making an exchange of confectionery products, or granting a rebate, or allowance, or making any adjustment covering any confectionery products sold, or delivered in a damaged, broken, or unsalable condition: *Provided, however,* That such adjustment must be made within a period of thirty (30) days after date of sale.

Penalty.

SEC. 22. Any person violating any provisions of this act shall be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Partial
invalidity.

SEC. 23. If any clause, sentence, paragraph, section, or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, or invalidate the remainder

of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered. The legislature hereby declares that it would have passed this act, and each section, sub-section, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 24. All laws or parts of laws in conflict herewith are hereby repealed: *Provided*, That none of the laws of this state pertaining to the state or municipal boards of health, or rules and regulations adopted pursuant thereto, shall be affected by this act. } **Vetoed.**

Passed the Senate March 4, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 12, 1939, with the exception of section 24, which is vetoed.

CHAPTER 113.

[S. B. 422.]

MILITARY LEAVE OF ABSENCE FOR PUBLIC EMPLOYEES.

AN ACT relating to public employees, providing for the granting of military leave, and declaring that this act shall take effect April 1, 1939.

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

SECTION 1. Every officer and employee of the State of Washington or of any county, city or other political sub-division thereof who is a member of the Washington National Guard or of the Army, Navy or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the

United States, shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding fifteen (15) days during each calendar year, which leave shall be granted in order that such person shall take part in active training duty in such manner and at such time as such person shall be ordered to active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which such officer or employee might otherwise be entitled, and shall not involve any loss of the efficiency rating, privileges or pay of such officer or employee. During the period of such military leave such officer or employee shall receive from the State of Washington, or the county, city or other political subdivision, his normal pay, less the amount of the base pay by him received for the performance of such active training duty, and proof of the amount and receipt of the base pay for such service shall be made in such manner and upon such certificate as the State Auditor of the State of Washington may require.

Military
leave in
addition to
vacation.

Effective
date.

SEC. 2. This act is necessary for the immediate preservation of the peace, health and safety of the State of Washington, and for the support of the state government and its existing institutions and shall take effect on the first day of April, 1939.

Passed the Senate March 2, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 114.

[H. B. 40.]

TEACHERS' INSTITUTES.

AN ACT relating to teachers' institutes, providing for optional attendance thereat by teachers, and amending section 4886 of Remington's Revised Statutes and repealing section 4889 of Remington's Revised Statutes.

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

SECTION 1. That section 4886, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 4886 Rem.
Rev. Stat.

Section 4886. Every teacher holding a valid certificate, and employed in a public school in a county where an institute is held, shall have the privilege of attending such institute during its whole time.

SEC. 2. That section 4889 of Remington's Revised Statutes shall be and the same is hereby repealed.

Repeals
§ 4889 Rem.
Rev. Stat.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 115.

[H. B. 369.]

POLICE MATRONS.

AN ACT relating to the appointment of police matrons; amending section 4 of chapter 15 of the Laws of 1893 (section 9285 of Remington's Revised Statutes); and repealing section 5 of chapter 15 of the Laws of 1893 (section 9286 of Remington's Revised Statutes).

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

SECTION 1. That section 4 of chapter 15 of the Laws of 1893 (section 9285 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 9285 Rem.
Rev. Stat.

Appoint-
ment.

Section 4. The police matron or matrons employed or appointed in accordance with the provisions of this act shall be employed or appointed in the same manner as other regular members of the police departments in the city where the appointment is made.

Repeals
§ 9286 Rem.
Rev. Stat.

SEC. 2. That section 5 of chapter 15 of the Laws of 1893 (section 9286 of Remington's Revised Statutes) is hereby repealed.

Passed the House March 2, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 116.

[H. B. 380.]

LISTING AND ASSESSMENT OF PROPERTY.

AN ACT relating to assessment, levy and collection of taxes and amending section 25 of chapter 130 of the Laws of the Extraordinary Session of 1925 (section 11129 of Remington's Revised Statutes).

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

Amends
§ 11129 Rem.
Rev. Stat.

SECTION 1. Section 25 of chapter 130 of the Laws of the Extraordinary Session of 1925 (section 11129 of Remington's Revised Statutes) is hereby amended to read as follows:

Consigned
goods.

Section 25. Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this act

required to make out and to deliver to the Assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The growing stock of nurserymen shall be considered the same as other growing crops on cultivated land. Nursery
stock.

Passed the House March 3, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 117.

[H. B. 565.]

DIKING DISTRICTS.

AN ACT relating to dikes and drains and the powers of diking districts, amending section 1, chapter 153, Laws of 1915 (section 4243, Remington's Revised Statutes).

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

SECTION 1. Section 1, chapter 153, Laws of 1915 (section 4243, Remington's Revised Statutes) is hereby amended to read as follows: Amends
§ 4243 Rem.
Rev. Stat.

Section 1. All diking districts organized under the provisions of this act shall have the right of eminent domain with the power by and through its board or commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the property of private cor- Eminent
domain.

Powers of
districts.

porations may be subjected to the same rights of eminent domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all of the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

(1st) The right, power and authority to straighten, widen, deepen and improve any and all rivers, water courses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district, or any rivers, water courses or streams which shall at any time by their overflow damage the land within the boundaries of any such diking district.

(2d) To construct all needed and auxiliary dikes, drains, ditches, canals, flumes, locks and all other necessary artificial appliances, wherever situated, in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow, or to provide an efficient system of drainage for the land situated within such diking district, or to assist and become necessary in the preservation and maintenance of such diking system.

(3d) In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening

of such rivers, water courses or streams, and such auxiliary drains, ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States Government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, water course or stream aforesaid, or to deepen or widen the same.

All diking districts and the commissioners thereof are further given the right, power and authority to join and contract with any other diking district or districts for the joint construction of any of the foregoing works, appliances, or improvements, whether such works, appliances or improvements are located within the boundaries of any or all of the contracting districts.

Joint
enterprises.

Passed the House March 3, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 12, 1939.

CHAPTER 118.

[S. B. 138.]

COMPOUND INTEREST ON INSURANCE LOANS.

AN ACT relating to life insurance policy loans and advances, the computation of interest thereon, providing the remedy for the collection of such interest, and amending chapter 49, Laws of 1911 as amended, the same being sections 7032 to 7298 inclusive, Remington's Revised Statutes, by adding thereto a new section to be known as section 184-A.

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

SECTION 1. That chapter 49, Laws of 1911 as amended, the same being sections 7032 to 7298 inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 184-A to read as follows:

Adds § 184-A
to ch. 49,
Laws 1911.

Compound
interest
authorized.

Section 184-A. That in event of non-payment of interest upon a life insurance policy loan or advance heretofore or hereafter made when the interest becomes due from period to period in accordance with the terms or provisions of the policy or policy loan agreement, the sole remedy of the insurance company in respect to said interest shall be the addition of said due and unpaid interest to the principal indebtedness and the charging of interest thereafter upon such increased principal at the same rate as is provided for the original principal; and whenever the amount of the increased principal thus obtained together with the accrued and accruing interest thereon shall equal or exceed the otherwise then cash value of the policy upon which such loan or advance is made, and after giving such notice, if any, as may be required by the policy or policy loan agreement to be given to the policy holder and any assignee of record with the company, such policy shall terminate in full settlement of such indebtedness unless the policy is continued in force pursuant to the provisions of the policy and the loan agreement. In any determination of the amount due under any policy of life insurance heretofore or hereafter issued, deduction shall be made of the amount of the principal of any loan or advance increased as hereinbefore provided, with interest thereon computed as aforesaid. The invalidity of any provision of this act shall not affect the validity of any other provision thereof.

Passed the Senate February 2, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 119.

[S. B. 161.]

DIRECTORS OF FLOOD CONTROL DISTRICTS.

AN ACT relating to the directors of flood control districts and amending section 53, chapter 160 of the Laws of 1935.

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

SECTION 1. Section 53 of chapter 160 of the Laws of 1935 (section 9663B-53 of Remington's Revised Statutes; section 2534-133 of Pierce's Code) is hereby amended to read as follows:

Amends
§ 9663B-53
Rem. Rev.
Stat.;
§ 2534-133
P. C.

Section 53. The County Commissioners of the county in which a flood control district is located shall be ex-officio the directors of such flood control district. The directors shall organize as a board each year and elect a chairman from their number. The County Auditor shall be clerk of the board and its records shall be kept in the office of the Board of County Commissioners: *Provided*, That when a flood control district is established entirely within the boundaries of any city or town organized under the laws of the State of Washington, the members of the governing body of such city or town shall be ex-officio the directors of the said flood control district; and the City Clerk in such case shall be clerk of the board and its records shall be kept in the office of the City Clerk.

Officers of
flood control
districts.

Passed the Senate February 24, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 120.

[S. B. 175.]

STATE FOOD PROCESSING PLANTS.

AN ACT authorizing the Department of Finance, Budget and Business to build, equip and operate food processing plants, declaring the policy of such operation, creating a cannery revolving fund, making appropriations, providing that it shall be a misdemeanor to sell the products of such plants and declaring that this act shall take effect immediately.

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

Food
processing
plants
established.

SECTION 1. The State Department of Finance, Budget and Business, hereinafter called "the Department," is authorized and directed to establish, during the next biennium, not less than two (2) nor more than four (4) new food processing plants, in addition to those now established, assisted or operated for the purpose of canning, drying, smoking and otherwise preserving foodstuffs. The plants herein provided for may be established and operated by the Department in co-operation with and may receive aid and assistance from the United States Works Progress Administration, boards of county commissioners or other public bodies, political subdivisions or municipal corporations desiring to sponsor, assist or co-operate with the Department in establishing such plants, or the plants may, in the discretion of the Department, be established and operated by the Department without such co-operation, sponsorship and assistance.

Location.

SEC. 2. In determining the location, character and cost of each plant established under the terms of this act the Department shall take into consideration the needs of the various communities of the state, the volume of unused foodstuffs being raised therein, the requests of residents and the probable extent of official aid, community co-operation and

donations or matching funds available, and shall set up such plants in those communities which, in the judgment of the Department, afford the greatest opportunity for successful operation.

SEC. 3. The Department is hereby empowered to acquire, by lease, purchase or gift, the requisite land, buildings, machinery, equipment, supplies, transportation facilities and any and all other things necessary or convenient for the establishment and operation of the plants herein referred to: *Provided, however,* That the Department shall not expend more than twenty-five thousand dollars (\$25,000) in establishing each plant and acquiring the necessary machinery and equipment therefor. This section shall not be construed as a limitation upon the Department's expenditures for supplies and operating expenses after the plants have been established and equipped.

Acquisition
of lands,
buildings
and
equipment.

SEC. 4. Such food processing plants, when built and equipped, shall be operated by the Department for the benefit of needy persons, public institutions, schools and school aid groups and organizations, educational, cooperative and charitable institutions and other organizations working for the public good, under such rules and regulations and subject to such limitations and quotas per person, family, organization or institution as the Department shall establish.

Operation
of plants.

SEC. 5. The Department shall employ such supervisors, technical experts and other employees as are necessary for the efficient operation of the plants, and may permit or require the patrons of the plants to assist in the work, preparing and processing their own food products under such rules and regulations as may be established by the Department.

Employees.

SEC. 6. The Department may furnish cans and other supplies for the preserving and processing of food products as provided in this act and may re-

Department
to furnish
supplies.

quire those patronizing the plants to pay, as compensation for services rendered and supplies furnished by the plants, a toll of not less than one-third nor more than one-half of their own raw materials: *Provided, however,* That in cases where the value of the raw materials would be disproportionate to the value of the services rendered and supplies furnished by the plants, the Department may, in its discretion, permit patrons to pay for such services and supplies in cash, at a reasonable rate to be established by the Department, in lieu of paying a commodity toll.

Distribution.

SEC. 7. Products received as toll for services rendered and supplies furnished by the plants shall be distributed to public institutions and needy persons in such manner and under such regulations as shall be determined by the Department.

Sale prohibited.

Penalty.

SEC. 8. No product of such food processing plants may be sold by any person, firm or corporation. Each finished article shall be plainly stamped, "Not to be Sold," and the sale thereof by any person, firm or corporation shall be a misdemeanor. It is the intent and purpose of this act that the food processing plants so set up shall not be commercial and that their products shall not be released upon the open market to compete with the products of private industry and business, but that the act shall be so administered as to encourage individuals to grow and preserve a greater portion of their own food; afford a means of conserving surplus and unmarketable food products; aid the state and its subdivisions in caring for the indigent poor; furnish food supplies for public institutions within the state; and assist needy persons to become and remain self-sustaining through their own labor and thrift.

SEC. 9. For the purpose of carrying out the provisions of this act, the following sums or so much

thereof as may be necessary are hereby appropriated from funds indicated and for purposes stated: Appropriation.

FROM THE GENERAL FUND

For construction, equipment, materials and rentals.....	\$40,000.00
For cannery revolving fund which is hereby created in the State Treasury	20,000.00

FROM THE CANNERY REVOLVING FUND

For Salaries, Wages and Operations 60,000.00

SEC. 10. This act is necessary for the preservation of peace, health and safety and the support of the state government and its existing institutions and shall take effect immediately. Effective immediately.

Passed the Senate March 7, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 121.

[S. B. 178.]

CHATTEL MORTGAGES.

AN ACT providing for the filing of chattel mortgages in the county to which mortgaged chattels are removed, defining the effect of failure so to do, and amending section 1988 of chapter CXLI of the Code of 1881.

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

SECTION 1. That section 1988 of chapter CXLI of the Code of 1881 (section 3788 of Remington's Revised Statutes; section 9748 of Pierce's Code) be amended to read as follows: Amends § 3788 Rem. Rev. Stat.; § 9748 P. C.

Section 1988. When the personal property described in a mortgage which has been filed in accordance with the provisions of sections 3780, 3781,

or 3786 of Remington's Revised Statutes has been thereafter removed from the county in which the mortgage is filed such property is, except between the parties thereto, and those having actual notice thereof, exempted from the operation thereof unless either:

Mortgage filed in county to which mortgaged chattels are moved.

1. The mortgagee shall, prior to such removal or within thirty (30) days after such removal cause a copy of the mortgage, certified by the auditor of the county where filed, to be filed in the office of the county auditor of the county to which the property shall be or has been removed: *Provided*, That the filing of the mortgage after said period in the county to which such property is so removed shall restore the operation of the mortgage as to all parties except purchasers and encumbrancers in good faith who shall have become such after the expiration of said thirty (30) days and before such filing in the county to which the property has been removed.

2. The mortgage be recorded in the custom house; or

Mortgage on vessel or boat.

3. The mortgagee within thirty (30) days after such removal takes possession of the property: *Provided*, That a mortgage on any vessel or boat, or part of a vessel or boat, over twenty tons burden, shall be recorded in the office of the collector of customs, where such vessel is registered, enrolled, or licensed, and need not be recorded elsewhere.

Passed the Senate February 20, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 122.

[S. B. 190.]

BULK SALES LAW.

AN ACT relating to sales, relating to and regulating the purchase, sale and transfer of goods, wares and merchandise, and restaurants, cafes, beer parlors, taverns, hotels, clubs and gasoline service stations, and fixtures and equipment, in bulk, providing penalties for violations thereof; and amending sections 5832, 5833, 5834 and 5835 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 5832 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 5832 Rem.
Rev. Stat.

Section 5832. It shall be the duty of every person who shall bargain for or purchase all or substantially all of any stock of goods, wares or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, and/or all or substantially all of the fixtures and equipment used in and about the business carried on by the vendor, in bulk, for cash or on credit, before paying the vendor, or his agent or representative, or delivering to the vendor, or his agent, any of the purchase price thereof, or any promissory note or other evidence of indebtedness therefor, to demand of and receive from such vendor, or his agent, or, if the vendor or agent be a corporation, then from the president, vice-president, secretary, treasurer, or managing agent of such corporation, a statement in writing, sworn to substantially as hereinafter provided, giving the names and addresses of all of the creditors of the vendor, to whom the vendor may be indebted, for or on account of any goods, wares or merchandise, and/or fixtures and equipment, used in and about the business of the vendor, purchased upon credit, or for or on account of

Vendor to
give list of
creditors.

money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a part, together with the amount of indebtedness due and owing and to become due and owing, by the vendor, to each of said creditors; and it shall be the duty of said vendor, or agent, to furnish such statement together with a statement of the consideration to be paid which shall be verified under oath, to the following effect:

Affidavit.

STATE OF WASHINGTON }
 COUNTY OF }

....., being first duly sworn, on oath says: I am the vendor (or the agent of the vendor, or the officer, naming him, of the corporation vendor, as the case may be) of that certain stock of goods, wares and merchandise (or restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, as the case may be), and/or fixtures and equipment, situated at No.....street, in the city (or town) of....., county of....., State of Washington, this day bargained to be sold to the vendee, for and in consideration of \$.....; that the foregoing statement contains the names of all of the creditors of said the vendor, to whom the vendor is indebted, for or on account of any goods, wares or merchandise, and/or fixtures and equipment, used in and about the business of the vendor, purchased upon credit, or for or on account of money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a

part, together with their addresses, and that the amounts set opposite the names of said creditors are the correct amounts now due and owing and which shall become due and owing by said , the vendor, to such creditors respectively; that there are no creditors holding claims for or on account of any goods, wares or merchandise, and/or fixtures and equipment, so purchased upon credit, or for or on account of money so borrowed, to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, due or to become due from said vendor, other than as set forth in said statements; and that the matters set forth in said statements and in this affidavit are within my personal knowledge.

.....
 Subscribed and sworn to before me this
 day of, 19.....

.....
 (Title of officer taking oath)

The verified statements above provided for shall be made in duplicate and the vendee shall file one of such statements in the office of the County Auditor of the county in which the stock and/or fixtures proposed to be purchased are situated, at least five days before the consummation of such purchase, and the same shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee. Copy filed.

SEC. 2. That section 5833 of Remington's Revised Statutes of Washington be amended to read as follows: Amends
§ 5833 Rem.
Rev. Stat.

Section 5833. Whenever any person shall bargain for, or purchase, all or substantially all of any stock of goods, wares or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club or

Part
payment
without
receiving
list of
creditors,
sale void.

gasoline service station, and/or all or substantially all of the fixtures and equipment used in and about the business of the vendor, in bulk, for cash or credit, and shall pay any part of the purchase price, or execute, or deliver to the vendor thereof, or to his order, or to any person for his use, any promissory note or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor or from his agent, the statements provided for in section 5832, verified as therein provided, and without applying or causing to be applied such purchase price pro rata to the payment of the bona fide claims of the creditors of the vendor as shown upon such verified statements, and without filing the verified statements in the office of the County Auditor at least five days before the consummation of the purchase as provided in the preceding section, such sale, or transfer, shall be fraudulent and void as to creditors of the vendor, of the character specified in section 5832: *Provided*, That if such vendor produces and delivers a written waiver of the provisions of this act, from his creditors, as shown by such verified statements, then, in that case, the provisions of this section shall not apply.

Written
waiver by
creditors.

Amends
§ 5834 Rem.
Rev. Stat.

SEC. 3. That section 5834 of Remington's Revised Statutes of Washington be amended to read as follows:

False
statement.

Section 5834. Any vendor of all or substantially all of any stock of goods, wares or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, and/or all or substantially all of the fixtures and equipment used in and about the business of the vendor, sold or transferred in bulk, or any other person who is acting for or in behalf of such vendor, who shall knowingly or willfully make or deliver, or cause to be made or delivered, a statement as provided for in section

5832, which shall not include the names of all of the creditors of such vendor, of the character specified in section 5832, together with their addresses, and the correct amounts due, and to become due each of them respectively, or which shall contain any false statement, shall be deemed guilty of perjury.

Perjury.

SEC. 4. That section 5835 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 5835 Rem.
Rev. Stat.

Section 5835. Any sale, exchange or transfer, or attempted sale, exchange or transfer, of all or substantially all of any stock of goods, wares or merchandise, and/or all or substantially all of the fixtures and equipment used in and about the business of a vendor engaged in the business of buying and selling and dealing in goods, wares or merchandise, of any kind or description, or in the business of operating a restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, made out of the usual and ordinary course of business of the vendor, or the sale, exchange or transfer, or attempted sale, exchange or transfer of substantially the entire business of buying, selling and dealing in goods, wares or merchandise, or of operating a restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, conducted by the vendor, or the sale, exchange or transfer, or attempted sale, exchange or transfer, of the interest of the vendor in any such business, shall be deemed a sale and transfer in bulk, in contemplation of this act: *Provided*, That nothing contained in this act shall apply to sales or transfers of property by executors, administrators, receivers, or public officers, acting under judicial process.

Sale and
transfer in
bulk.Judicial
sales.

Passed the Senate February 23, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 123.

[S. B. 225.]

CORPORATIONS OPERATING UNDER SUPERVISION OF
PUBLIC SERVICE DEPARTMENT.

AN ACT relating to fees to be paid by persons, firms and corporations subject to regulation by the Department of Public Service, and amending sections 1, 3, and 4 of chapter 158 of the Laws of 1937.

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

Amends
§ 1, ch. 158,
Laws 1937.

SECTION 1. That section 1 of chapter 158 of the Laws of 1937 be and the same hereby is amended to read as follows:

Public
utility
companies,
statement
and payment
of fees.

Section 1. Every person, firm or corporation subject to regulation by the Department of Public Service, except auto transportation companies operating under the provisions of chapter 111 of the Laws of 1921 as amended, steamboat companies, whether operating under the provisions of chapter 248 of the Laws of 1927 or chapter 117 of the Laws of 1911, wharfingers or warehousemen, motor freight carriers operating under the provisions of chapter 184 of the Laws of 1935 as amended, and storage warehousemen operating under the provisions of chapter 154 of the Laws of 1933 as amended, shall, on or before the first day of April of 1937 and of each year thereafter, file with the Department a statement on oath showing its gross operating revenue from intra-state operations for the preceding calendar year or portion thereof and pay to the Department a fee equivalent to 1/10 of one per cent of the first \$50,000.00 of such gross operating revenue, plus 2/10 of one per cent of any such gross operating revenue in excess of \$50,000.00: *Provided*, That the fee so paid shall in no case be less than one dollar. The percentage rates of gross operating revenue to be paid in any year as herein provided may be decreased by the Department for any or

Excepting
certain
companies.

each class of persons, firms and corporations subject to the payment of such fees, by general order entered before March first of such year, and for such purpose such persons, firms and corporations shall be classified as follows: Electric companies, gas companies, water companies, telephone companies, telegraph companies, and irrigation companies shall constitute Class One; and railroad companies, street railroad companies, express companies, sleeping car companies and toll bridge companies shall constitute Class Two. Every other person, firm or corporation subject to regulation by the Department, for whom regulatory fees are not otherwise fixed by law, shall pay fees in accordance with the provisions of this section, and shall constitute additional classes according to kinds of businesses. In fixing such rates each year the Department shall take into consideration all monies then on hand in the public service revolving fund and all such fees currently to be paid into said fund, to the end that the fees so collected from the several classes of such companies shall be approximately the same as the reasonable cost of supervising and regulating such classes respectively.

SEC. 2. That section 3 of chapter 158 of the Laws of 1937 be and the same hereby is amended to read as follows:

Amends
§ 3, ch. 158,
Laws 1937.

Section 3. Every storage warehouseman operating under the provisions of chapter 154 of the Laws of 1933 as amended, shall, on or before the thirtieth day of September, 1937, and of each year thereafter, file with the Department a statement on oath showing his gross operating revenue from intra-state operations for the preceding fiscal year ending June thirtieth or portion thereof, and pay to the Department one per cent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars. The percentage

Storage
warehouse-
man, state-
ment and
payment of
fee.

rate of gross operating revenue to be paid in any year as herein provided may be decreased by the Department by general order entered before September first of such year. In fixing such rate the Department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the monies collected hereunder shall be approximately the same as the reasonable cost of regulating storage warehousemen.

Amends
§ 4, ch. 158,
Laws 1937.

SEC. 3. That section 4 of chapter 158 of the Laws of 1937 be and the same hereby is amended to read as follows:

Steamboat
company,
statement
and payment
of fee.

Section 4. Every steamboat company, whether operating under the provisions of chapter 248 of the Laws of 1927 or chapter 117 of the Laws of 1911, and every wharfinger or warehouseman as defined by chapter 117 of the Laws of 1911, shall, on or before the first day of April of 1937 and of each year thereafter, file with the Department a statement on oath showing its gross operating revenue from intra-state operations for the preceding calendar year or portion thereof and pay to the department a fee of $\frac{2}{5}$ of one per cent of the amount of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year as herein provided may be decreased by the Department by general order entered before March first of such year. In fixing such rate the Department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the fees so collected from the steamboat companies and wharfingers or warehousemen as a group shall be approximately the same as the reasonable cost of supervising and regulating such companies as a group. The Department

shall also collect the following miscellaneous fees: Application for a certificate of public convenience and necessity, or to amend certificate, \$50.00; application to sell, lease, mortgage or transfer certificate or any interest therein, \$10.00.

Passed the Senate February 20, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 124.

[S. B. 226.]

SECURITIES ACT.

AN ACT providing for the regulation and supervision of the issuance and sale of certain securities, to prevent fraud in the sale thereof; amending chapter 69, Laws of 1923, as amended; providing for the issuance of pre-organization subscriptions, the payment of consideration therefor, and the licensing thereof; prescribing fees for pre-organization permits; declaring voidable sales made without a permit in violation of said chapter or in violation of a permit issued under said chapter; relating to actions for redress on accounts of sales made contrary to the provisions of said chapter and amendments thereof; prescribing the period of limitation applicable to such actions, existing or hereafter arising; and amending chapter 69, Laws of 1923 by adding thereto two new sections to be designated section 3a and section 18a.

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

SECTION 1. That section 2 of chapter 69 of the Laws of 1923, as amended by chapter 97 of the Laws of 1935, and chapter 182 of the Laws of 1937 (the same being section 5853-2 of Remington's Revised Statutes), be amended to read as follows:

Amends
§ 5853-2 Rem.
Rev. Stat.

Section 2. DEFINITION OF TERMS. The following words have in this act the meaning attached to them in this section, unless otherwise apparent from the context:

Definitions:

(1) The word "company" includes all domestic and foreign private corporations, associations, syndi-

"Company."

cates, joint stock companies and co-partnerships, and also trustees (but not including executors, administrators, receivers, or other trustees acting under the authority of a court); also individuals selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue;

Excepting
therefrom.

Excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of Congress of the United States;

(b) All insurance companies authorized to transact business within this state and all corporations transacting a banking or trust companies business within this state;

(c) All building and loan, and savings and loan corporations, associations and societies authorized as such to do business in this state;

(d) All public utilities subject to the jurisdiction, control and regulation of the Director of Public Service;

(e) All companies organized without capital stock and not for pecuniary gain and exclusively engaged in educational, benevolent, charitable or reformatory purposes, and companies based on membership basis for social, athletic and educational purposes;

(f) All corporations engaged in the metalliferous mining industry which are duly registered with the Director of Licenses as provided by law: *Provided*, That the provisions of this act shall in all respects apply to resales of metalliferous mining securities. A resale is hereby defined to be a sale in which the issuing company is not a party.

“Security.”

(2) The word “security” includes:

(a) All shares or interests into which the capital, capital stock, or property of companies, or rights of stockholders or members thereof, are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired

by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests or rights;

(b) All promissory notes, mortgages, bonds, debentures, and other evidences of indebtedness issued by any company, excepting promissory notes and mortgages negotiated by the drawer or maker in the ordinary course of business by private negotiation;

(c) Any instrument issued, offered or sold to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit;

(d) All bonds, debentures and other evidences of indebtedness issued by any foreign government or any political subdivision thereof; or by any state of the United States of America or any political subdivision thereof, except the State of Washington and its political subdivisions;

(e) Oil or gas leases or any assignment, partial assignment, agreement to assignment, or other instruments in connection therewith.

(3) The word "sale" includes every contract by which, for valuable consideration, a company transfers any security or interest therein; and any exchange, pledge or hypothecation, or any transfer in trust or otherwise, for the performance of an obligation. "Sale."

The word "sell" includes every act by which such sale is made. "Sell."

(4) The word "agent" includes every person or company employed or appointed by a broker or company who sells, negotiates for the sale of, solicits, or takes subscriptions for any security. "Agent."

(5) The word "broker" includes every person or company, other than an agent, engaging in the "Broker."

business of selling, offering for sale, negotiating for the sale of, soliciting subscriptions for, or otherwise dealing in securities issued by others; or underwriting any issue of securities, or of purchasing such securities with the purpose of reselling or offering them for sale to the public for a commission or at a profit, excepting therefrom the following:

(a) One who disposes of securities to a broker;

(b) Any pledge holder selling in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him for the payment of a *bona fide* debt;

(c) Any owner of any security not the issuer or an underwriter thereof who sells or exchanges the same for his own accounts: *Provided*, That such sale or exchange is not made by such owner in the course of repeated and successive transactions of like or similar character.

Adds § 3-a
to ch. 69,
Laws 1923.

SEC. 2. That chapter 69, Laws of 1923, be amended by adding thereto a new section to follow section 3, to be known as section 3-a and reading as follows:

Subscrip-
tions for
shares.

Section 3-a. Subscriptions for the shares of a domestic or foreign corporation may be taken prior to the incorporation thereof without first procuring a permit therefor from the Director of Licenses; but, except as may be specifically required by any law of this state and also as to subscriptions made by persons who sign the articles of incorporation as incorporators, no portion of the consideration to be paid on account of such pre-organization subscriptions shall be either collected or collectible, unless such corporation shall be incorporated within ninety days after such subscription is made, and also such corporation with reasonable diligence after incorporation shall apply to the Director of Licenses and shall procure from him a permit authorizing

the issuance of the shares subscribed for in such pre-organization subscriptions and the collection thereof.

Except as may be specifically required by any law of this state, no subscription shall be taken for any security of any company other than a domestic or foreign corporation, nor shall any portion of the consideration to be paid thereon be either collected or collectible unless and until a permit shall have been issued by the Director of Licenses authorizing the taking of such subscriptions and the collection thereof.

SEC. 3. That section 22 of chapter 69 of the Laws of 1923, as amended by chapter 97 of the Laws of 1935, and chapter 182 of the Laws of 1937 (the same being section 5853-22 of Remington's Revised Statutes), be amended to read as follows:

Amends
§ 5853-22
Rem. Rev.
Stat.

Section 22. FEES—SCHEDULE. The Director of Licenses shall charge the following fees:

Fees.

(1) For filing an application for permit to issue security twenty-five dollars (\$25.00) for all companies whose capitalization is fifty thousand dollars (\$50,000.00) or less, fifty dollars (\$50.00) for all companies whose capitalization is over fifty thousand dollars (\$50,000.00), but not more than one hundred thousand dollars (\$100,000.00), and one hundred dollars (\$100.00) for all companies whose capitalization is over one hundred thousand dollars (\$100,000.00).

(2) For filing an application for a broker's certificate twenty-five dollars (\$25.00), and ten dollars (\$10.00) for each and every year after the first year.

(3) For filing an application for an agent's certificate five dollars (\$5.00), and two dollars (\$2.00) for each and every year thereafter.

(4) For filing an application for collection of pre-organization subscriptions ten dollars (\$10.00).

Fees for furnishing copies of papers and records shall be as now provided by law.

Adds § 18a
to ch. 69,
Laws 1923.

SEC. 4. That chapter 69, Laws of 1923, be amended by adding thereto a new section to follow section 18, to be designated section 18a, and reading as follows:

Sales made
in violation
of securities
act.

Section 18a. Every sale or contract for sale made in violation of any of the provisions of the securities act (chapter 69, Laws of 1923, as amended) shall be voidable at the election of the purchaser, and the person making such sale or contract for sale and every person who shall have participated in or aided the seller in any way in making such sale or contract of sale shall be jointly and severally liable to such purchaser in an action at law in any court of competent jurisdiction, upon tender to the seller in person or in open court of the securities sold or of the contract made, for the full amount paid by such purchaser together with all taxable court costs, unless the court shall determine that the violation did not materially affect the protection contemplated by the violated provision: *Provided*, That no action shall be brought for the recovery of the purchase price after two years from the date of such sale or contract for sale: *Provided, further*, That any existing cause of action for redress on account of any sale or contract of sale made in violation of any of the provisions of the securities act and not now barred by limitation may be commenced at any time prior to the expiration of one year after the passage of this act. No period of limitation applicable to any such action shall be deemed to be tolled during the time that any person or company is subject to personal or substituted service of process within the State of Washington.

Limitation
of actions.

Passed the Senate March 2, 1939.

Passed the House March 8, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 125.

[S. S. B. 254.]

PROBATION.

AN ACT relating to crimes, the granting and regulating of probation, creating probation officers, permitting suspension of imposition and execution of sentences, dismissal of information or indictment in certain cases; amending chapter 114 of the Laws of 1935, being sections 10249-1 to 10249-8, both inclusive, of Remington's Revised Statutes; repealing section 6 of chapter 114 of the Laws of 1935, being section 10249-6 of Remington's Revised Statutes; and declaring an emergency.

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

SECTION 1. That chapter 114 of the Laws of 1935, the same being sections 10249-1 to 10249-8, both inclusive, of Remington's Revised Statutes, be amended by adding thereto the following sections immediately after section 5 thereof:

Adds §§ 5a,
5b, 5c, 5d, 5e,
5f, to ch. 114,
Laws 1935.

Section 5-a. After conviction by plea or verdict of guilty of a felony offense, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted: *Provided, however*, Probation shall not be granted to any person who is not eligible under the law to receive a suspended sentence. The court may, in its discretion, prior to the hearing on the granting of probation refer the matter to the Board of Prison Terms and Paroles or such officers as the Board may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment. In case there are no regularly employed parole officers working under the supervision of the Board of Prison Terms and Paroles in the

Court
may grant
or deny
probation.

county or counties wherein the defendant is convicted by plea or verdict of guilty, the court may, in its discretion, refer the matter to the prosecuting attorney or sheriff of the county for investigation and report.

Court may suspend imposing of sentence.

Section 5-b. The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

Imprisonment or fine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one (1) year or may fine defendant any sum not exceeding one thousand dollars (\$1,000) plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make full or partial restitution and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the Board of Prison Terms and Paroles or such officer as the Board may designate and as a condition of said probation to follow implicitly the instructions of the Board of Prison Terms and Paroles. The Board of Prison Terms and Paroles will promulgate rules and regulations for the conduct of such person during the term of his probation.

Restitution.

Probation revoked for violation of terms.

Section 5-c. Whenever the state parole officer or other officer under whose supervision the probationer has been placed shall have reason to believe such probationer is violating the terms of his probation, or engaging in criminal practices, or is abandoned to improper associates, or living a vicious

life, he shall cause the probationer to be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may re-arrest any such person without warrant or other process. The court may thereupon in its discretion without notice revoke and terminate such probation. In the event the judgment has been pronounced by the court and the execution thereof suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory as the case may be. If the judgment has not been pronounced, the court shall pronounce judgment after such revocation of probation and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory, in accordance with the sentence imposed.

Section 5-d. The court shall have authority at any time during the course of probation to (1) revoke, modify, or change its order of suspension of imposition or execution of sentence; (2) it may at any time, when the ends of justice will be subserved thereby, and when the reformation of the probationer shall warrant it, terminate the period of probation, and discharge the person so held.

Authority of court.

Section 5-e. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty, and enter a plea of not guilty, or if he has been convicted after a plea of guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss

Release from penalties and disabilities.

the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: *Provided*, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed.

State parole
and
probation
officers.

Section 5-f. In order to carry out the provisions of this act the state parole officers working under the supervision of the Board of Prison Terms and Paroles shall be known as state parole and probation officers.

Repeals § 6,
ch. 114,
Laws 1935.

SEC. 2. That section 6 of chapter 114 of the Laws of 1935, the same being section 10249-6 of Remington's Revised Statutes, be and the same is hereby repealed.

Partial
invalidity.

SEC. 3. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole, or of any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective
date.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the Senate February 21, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 126.

[S. B. 272.]

RIGHTS CEDED UNITED STATES.

AN ACT giving consent of the state to the acquisition of lands by the United States as sites for forts, magazines, arsenals, dockyards and other needful buildings or for other purposes, ceding concurrent jurisdiction over lands so acquired subject to certain limitations and conditions and repealing sections 8108 and 8109, Remington's Revised Statutes, and all other acts and parts of acts inconsistent herewith but saving jurisdiction thereby ceded.

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

SECTION 1. The consent of this state is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any land acquired, or to be acquired, in this state by the United States, from any individual, body politic or corporate, as sites for forts, magazines, arsenals, dockyards, and other needful buildings or for any other purpose whatsoever. The evidence of title to such land shall be recorded as in other cases.

Consent of state to acquisition of land.

SEC. 2. Concurrent jurisdiction with this state in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes for which the land was acquired; but the jurisdiction so ceded shall continue no longer than the United States shall be the owner of such lands, and if the purposes of any grant to or acquisition by the United States shall cease, or the United States shall for five consecutive years fail to use any such land for the purposes of the grant or acquisition, the jurisdiction hereby ceded over the same shall cease and determine, and the right and title thereto shall revert in this state. The jurisdiction ceded shall not vest until the United States shall acquire title of record to such land.

Concurrent jurisdiction ceded.

State
jurisdiction
reserved.

SEC. 3. The State of Washington hereby expressly reserves such jurisdiction and authority over land acquired or to be acquired by the United States as aforesaid as is not inconsistent with the jurisdiction ceded to the United States by virtue of such acquisition.

Repeals
§§ 8108 and
8109 Rem.
Rev. Stat.

SEC. 4. Sections 8108 and 8109, Remington's Revised Statutes, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That jurisdiction heretofore ceded to the United States over any land within this state by any previous act of the legislature shall continue according to the terms of the respective cessions: *Provided further*, That if jurisdiction so ceded by any previous act of the legislature has not been affirmatively accepted by the United States, or if the United States has failed or ceased to use any such land for the purposes for which acquired, jurisdiction thereover shall be governed by the provisions of this act.

Jurisdiction
previously
ceded.

Passed the Senate February 23, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 127.

[S. B. 304.]

DIVERSION OF WATER.

AN ACT relating to the regulation and control of water within the State of Washington, providing for the filing of applications therefor, fixing fees, giving notice of hearing thereon and amending section 1 of chapter 161 of the Laws of 1925 (section 7381 of Remington's Revised Statutes) and section 4 of chapter 122 of the Laws of 1929 (section 7382 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 161 of the Laws of 1925 (section 7381 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 7381 Rem.
Rev. Stat.

Section 7381. Upon filing an application which complies with the provisions of this act and the rules and regulations established hereunder, the Supervisor of Hydraulics shall instruct the applicant to publish notice thereof in a form and within a time prescribed by said Supervisor of Hydraulics, in one newspaper of general circulation published at the county seat of the county or counties in which the storage, diversion and use is to be made, and in such other newspapers as the Supervisor of Hydraulics may direct, once a week for two consecutive weeks: *Provided*, That upon receipt by the Supervisor of Hydraulics of any application for appropriation or storage of water, it shall be his duty to send notice thereof containing pertinent information to both the Director of Fisheries and Director of Game.

Notice
of proposed
storage,
diversion
or use.

SEC. 2. That section 4 of chapter 122 of the Laws of 1929 (section 7382 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 7382 Rem.
Rev. Stat.

Section 7382. When an application complying with the provisions of this chapter and with the rules and regulations of the State Supervisor of Hydraulics has been filed, the same shall be placed on record

Investigation
of
application.

in the office of the State Supervisor of Hydraulics, and it shall be his duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the State Supervisor of Hydraulics shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the Supervisor shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the Supervisor may issue a preliminary permit, for a period of not to exceed three (3) years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the Supervisor may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically cancelled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the Supervisor a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the Supervisor, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the Governor, be extended, but not to exceed a maximum period of five (5) years from the date of the issuance of the preliminary permit. The State Supervisor of Hydraulics shall make and file as part of the record

Preliminary
permit.

in the matter, written findings of fact concerning all things investigated, and if he shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, he shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: *Provided*, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be the duty of the State Supervisor of Hydraulics to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under section 7354 hereof, said Supervisor may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the State Supervisor of Hydraulics to investigate all facts relevant and material to the application. After the State Supervisor of Hydraulics approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant

Report of
suspension.

Permit.

Irrigation
purposes.

Application
rejected.

Fee.

shall pay the fee provided in section 7399 of this Code: *Provided further*, That in the event a permit is issued by the Supervisor of Hydraulics upon any application, it shall be his duty to notify both the Director of Fisheries and the Director of Game of such issuance. All permits issued by the Supervisor of Hydraulics shall contain a provision that the holder thereof shall comply with all laws pertaining to appropriation, use and storage of water and all fisheries and game laws now in force or hereafter enacted.

Passed the Senate February 24, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 128.

[S. B. 361.]

WATER DISTRICTS.

AN ACT relating to water and water supply districts; providing for the issuance and sale of water revenue bonds; providing for the payment thereof from revenues and from utility local improvement district assessments; creating a water revenue redemption fund; providing for the refunding of local improvement district bonds; and amending section 9 of chapter 114 of the Laws of 1929 (section 11587 of Remington's Revised Statutes) and section 1 of chapter 177 of the Laws of 1937 (section 11588 of Remington's Revised Statutes).

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

SECTION 1. Section 9 of chapter 114 of the Laws of 1929 (section 11587 of Remington's Revised Statutes) is hereby amended to read as follows:

Section 9. Said water district shall have the power to establish local improvement districts within its territory; to levy special assessments under the mode of annual installments extending over a period

Amends
§ 11587 Rem.
Rev. Stat.

Local
improvement
districts.

not exceeding twenty years on all property specially benefited by any local improvement on the basis of special benefits to pay in whole or in part the damages or costs of any improvements ordered in such water district; to issue local improvement bonds in any such improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying, collection and enforcement of all public assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be and the same hereby are imposed upon the county treasurer for the purposes of this act; the mode of assessment shall be in the manner to be determined by the water commissioners by resolution: *Provided, however*, That whenever in the petition for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto previously duly ratified at an election, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district, when established, shall be designated as a "utility local improvement district". No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

SEC. 2. Section 1 of chapter 177 of the Laws of 1937 (section 11588 of Remington's Revised Statutes) is hereby amended to read as follows:

Special assessments.

Bonds.

County treasurer.

Utility local improvement district.

Amends § 11588 Rem. Rev. Stat.

Adoption
of plan.

Section 1. It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purposes, the water district commissioners shall investigate the several portions and sections of such water district for the purpose of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor; and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipelines to convey the same throughout such district; there may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipelines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district and to determine the whole or such part of the cost and expenses to be paid from water revenue bonds as in this act provided. The commissioners may employ such en-

Purchase and
maintenance
of fire-
fighting
equipment.

gineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

Such general comprehensive scheme and plan, when finally considered or determined upon by such board of water commissioners, shall be by them adopted by resolution, which resolution shall provide for the submission thereof at a general or special election specified in such resolution to the qualified voters within such district for their ratification or rejection. No expenditure for the carrying on of any part of such plan shall be made by the water district commissioners other than the necessary salaries of engineers, clerical and office expenses of such water district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such water district unless and until such general scheme of improvements has been so officially adopted by the water district commissioners and ratified by the affirmative vote of a majority of the voters of such water district voting thereon at the election which shall be held for such purpose. Notice of such election shall be given in accordance with the general election laws. If at such election a majority of the votes cast upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by such commission within ten days after such election. Such commission may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election a proposition that said water district incur a general indebtedness for the construction of any part or all of said comprehensive plan: *Provided, however,* That such proposition to incur indebtedness shall be submitted so as to enable the voters to vote for or against the same independent of any vote on the

Resolution.

Plan
submitted to
electors.

proposition submitted to the qualified voters as aforesaid; and if such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid; and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting on said proposition at said election.

Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

Revenue
bonds.

Such commission may submit at the same election at which the proposition to adopt the comprehensive plan is submitted, or at any other general or special election a proposition that such water district issue revenue bonds for the construction and/or other costs of any part or all of said comprehensive plan: *Provided, however,* That such proposition to issue revenue bonds shall be submitted so as to enable the voters to vote for or against the same, independent of any vote on the comprehensive plan submitted to the qualified voters as aforesaid; and if revenue bonds are to be issued, the amount of the revenue bonds to be issued and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid.

Refunding
bonds.

Such proposition to adopt the comprehensive plan may include provision for refunding any local improvement district bonds of any water district, therefore outstanding, out of the proceeds of sale of revenue bonds, and every water district is empowered to pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding coupon maturity date.

No such comprehensive plan including provision for issuance of revenue bonds shall be submitted at any election if there is an outstanding water district local improvement district bonds issued under the provisions of chapter 102, Session Laws of 1937, unless such comprehensive plan provides that all such local improvement district bonds outstanding shall be paid and canceled out of the proceeds of the sale of the revenue bonds authorized as hereinabove provided.

Such proposition for issuance of revenue bonds, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting on such proposition at said election. Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith and carry out said general plan to the extent specified.

In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme and after the adoption of the original comprehensive scheme, a scheme providing for additions and betterments to the original comprehensive scheme may be adopted and ratified.

The water district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original proposition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the water district commissioners to the extent specified in the proposition to incur such general indebtedness.

General
indebtedness.

The water district may issue revenue bonds to pay for the construction of the additions and betterments in the same way revenue bonds may be issued

for payment of the construction of the original comprehensive plan or any portion thereof.

Requisites
of bonds.

SEC. 3. Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of section 2, supra, said bonds shall be either registered as to principal only or shall be bearer bonds, shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000); shall be numbered from one (1) up consecutively; shall bear the date of their issue; shall be payable serially up to a maximum period of not to exceed twenty (20) years; shall bear interest at a rate not to exceed six per cent (6%) per annum payable semi-annually and evidenced by coupons attached to said bonds; shall be payable at the office of the county treasurer of the county in which the water district is located unless otherwise specified; shall be executed by the chairman or vice-chairman of the board of water commissioners and attested and sealed by the secretary thereof; and may have facsimile signatures of said chairman or vice-chairman and secretary imprinted on the interest coupons in lieu of original signatures.

Special fund
created.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues (including payments received from

utility local improvement districts, if any) superior to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the water district commissioners shall deem for the best interests of the water district, either at public or private sale and at any price, but not at any price where the effective cost of money to the water district shall exceed seven per cent per annum, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

Bonds
payable
from special
fund.

When any such special fund shall have been heretofore or shall be hereafter created and any

such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the water district and compel such setting aside and payment.

Charges
and rates to
be fixed.

The water district commissioners of any water district, in the event that such water revenue bonds are issued against the revenues of such water supply system, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of service, such rates to be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution, the total revenues to be so estimated and based to be sufficient to take care of costs of maintenance, operation, interest and principal amortization requirements and other charges.

Passed the Senate February 27, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 129.

[S. B. 366.]

SALE OF STATE SCHOOL LANDS.

AN ACT relating to the sale of state lands to school district No. 58 of Clallam county, Washington.

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

SECTION 1. Upon application to purchase made in proper form according to state law by school district No. 58 of Clallam county, Washington, the Commissioner of Public Lands is hereby authorized to sell, in the manner provided by law, lot 4 of section 16, township 32 north, range 15 west, W. M., containing 13.60 acres, without regard to the limitation because of the timber stand thereon as provided in section 31, chapter 255 of the Laws of 1927 (section 7797-31 of Remington's Revised Statutes).

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 130.

[S. B. 456.]

SUSTAINED YIELD UNITS.

AN ACT relating to the cooperative management of state forest board lands and state granted lands with national forest and private timber lands in a sustained yield management unit.

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

SECTION 1. The State Forest Board with regard to State Forest Board lands, and the Commissioner of Public Lands with regard to state granted lands, are hereby authorized to enter into cooperative

State
forest and
state granted
lands.

Cooperative agreements.

agreements with the United States of America and private owners of timber land providing for co-ordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit. Wherever applicable in this act, it shall be understood that the State Forest Board shall have complete authority over State Forest Board lands and the Commissioner of Public Lands complete authority over state granted land.

Authority.

Establishment of sustained yield unit.

SEC. 2. The State Forest Board and the Commissioner of Public Lands are hereby authorized and directed to determine, define and declare informally the establishment of a sustained yield unit, comprising the land area to be covered by any such cooperative agreement and include therein such other lands as may be later acquired by the State Forest Board and included under the cooperative agreement.

Limitation of productions.

SEC. 3. The state shall agree that the cutting from combined national forest and state lands will be limited to the sustained yield capacity of these lands in the management unit as determined by the contracting parties and approved by the State Forest Board and the Commissioner of Public Lands. Cooperation with the private contracting party or parties shall be contingent on limitation of production to a specified amount as determined by the contracting parties and approved by the State Forest Board and the Commissioner of Public Lands and shall comply with the other conditions and requirements of such cooperative agreement.

Sale agreements.

SEC. 4. During the period when any such cooperative agreement is in effect, the timber on the state lands which the State Forest Board and the Commissioner of Public Lands determine shall be included in the sustained yield unit may, from time to time, be sold at not less than its appraised value as approved by the State Forest Board and the Commissioner of

Public Lands, due consideration being given to existing forest conditions on all lands included in the cooperative management unit and such sales may be made in the discretion of the State Forest Board and the Commissioner of Public Lands and the contracting party or parties in the cooperative sustained yield agreement. These sale agreements shall contain such provisions as are necessary to effectually permit the State Forest Board and the Commissioner of Public Lands to carry out the purpose of this section and in other ways afford adequate protection to the public interests involved.

SEC. 5. The sale of timber upon state forest board land and state granted land within such sustained yield unit or units shall be made for not less than the appraised value thereof as heretofore provided for the sale of timber on state lands: *Provided*, That, if in the judgment of the State Forest Board or the Commissioner of Public Lands, it is to the best interests of the state to do so, said timber or any such sustained yield unit or units may be sold on a stumpage or scale basis for a price per thousand (M) not less than the appraised value thereof. The State Forest Board and the Commissioner of Public Lands shall reserve the right to reject any and all bids if the intent of this act will not be carried out. Permanency of local communities and industries, prospects of fulfillment of contract requirements, and financial position of the bidder shall all be factors included in this decision.

Selling price.

SEC. 6. A written contract shall be entered into with the successful bidder which shall fix the time when logging operations shall be commenced and concluded and require monthly payments for timber removed as soon as scale sheets have been tabulated and the amount of timber removed during the month determined, or require payments monthly in advance at the discretion of the Board or the Commis-

Contract with successful bidder.

sioner. The Board and the Commissioner shall designate the price per thousand (M) to be paid for each species of timber and shall provide for supervision of logging operations, the methods of scaling and report, and shall require the purchaser to comply with all laws of the State of Washington with respect to fire protection and logging operation of the timber purchased; and shall contain such other provisions as may be deemed advisable.

Cash
deposits.

SEC. 7. The purchaser shall, at the time of executing the contract, be required to make a cash deposit equal to twenty per cent (20%) of the estimated value of the timber purchased, computed at the stumpage bid. Upon failure of the purchaser to comply with the terms of the contract, the deposit may be forfeited to the state upon order of the Forest Board or the Commissioner of Public Lands.

At no time shall the amount due the state for timber actually cut and removed exceed the amount of the deposit as hereinabove set forth. The amount of the deposit shall be returned to the purchaser upon completion and full compliance with the contract by the purchaser, or it may, at the discretion of the purchaser, be applied on final payment on the contract.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 131.

[H. B. 2.]

BOARDS OF PUBLIC SCHOOL DIRECTORS.

AN ACT relating to and prescribing the powers and duties of boards of directors for public schools, providing for education of physically handicapped adults, providing funds therefor and amending section 4776, Remington's Revised Statutes.

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

SECTION 1. That section 4776, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Amends
§ 4776 Rem.
Rev. Stat.

Section 4776. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty:

Powers
and duties of
directors.

First: To employ for not more than one year, and for sufficient cause to discharge teachers, and to fix, alter, allow and order paid their salaries and compensation. The directors, except in districts of the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required.

Employment
of teachers.

Second: To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their districts.

Enforcement
of rules and
regulations.

Third: To rent, repair, furnish and insure school-houses, to employ janitors, laborers and mechanics.

Fourth: To cause all school houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

Fifth: To purchase personal property in the name of the district and to receive, lease, issue and hold for their district any real or personal property.

Sixth: To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six (6) years of age.

Free text
books.

Seventh: To provide free text books and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage, also to provide for the expenditure of a reasonable amount for suitable commencement exercises.

Eighth: To require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state, as a condition to membership in the schools.

Books
excluded.

Ninth: To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Tenth: To authorize the school room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt.

Transporta-
tion of
pupils.

Eleventh: To provide and pay for transportation of children to and from school whether such children live within or without the district when in their judgment the best interests of their district will be subserved thereby, but the directors shall not be compelled to transport any pupil living within

two (2) miles of the school house. When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts. Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board shall have power to provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle; and, in event the transportation of the children is arranged for by contract of the district with some person, the board shall have power to require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation.

Twelfth: To establish and maintain night schools.

Thirteenth: To make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more.

Instruction
in lip
reading.

Passed the House February 10, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 132.

[H. B. 68.]

NOTICE OF PROBATE PROCEEDINGS.

AN ACT relating to probate of estates and authorizing creditors of deceased persons to file a demand for notice of proceedings by executors or administrators, and amending section 64, chapter 156, Session Laws of 1917 (section 1434, Remington's Revised Statutes).

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

SECTION 1. That section 1434, Remington's Revised Statutes be amended to read as follows:

Section 1434. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate as heir, devisee, legatee or creditor whose claim has been duly served and filed, or attorney for such heir, devisee, legatee, or creditor, may serve upon the executor or administrator (or upon the attorney for such executor or administrator) and file with the clerk of the court wherein the administration of such estate is pending, a written request stating that he desires special notice of any or all of the following named matters, steps or proceedings in the administration of said estate, to-wit:

- (1) Filing of petitions for sales, leases or mortgages of any property of the estate.
- (2) Filing of accounts.
- (3) Filing of petitions for distribution.
- (4) Petitions by the executor or administrator for family allowances and homesteads.

Such requests shall state the postoffice address of such heir, devisee, legatee or creditor, or his attorney, and thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, shall be addressed to such heir, devisee, legatee

Amends
§ 1434 Rem.
Rev. Stat.

Special
notice to
heirs,
devisees,
legatees and
creditors.

or creditor, or his attorney, at his stated postoffice address, and deposited in the United States postoffice, with the postage thereon prepaid, at least five days before the hearing of such petition or account; or personal service of such notices may be made on such heir, devisee, legatee, or creditor, or attorney, not less than five days before such hearing, and such personal service shall be equivalent to such deposit in the postoffice, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition or account. If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 133.

[H. B. 71.]

BIRTH CERTIFICATES.

AN ACT relating to birth certificates and adding certain sections to the statutes relating to vital statistics established by chapter XCVIII of the Laws of 1891, (being Remington's Revised Statutes, sections 6011 to 6039 inclusive).

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

SECTION 1. That a new section be added to Remington's Revised Statutes to be known as section 6013-1, which shall read as follows:

Adds
§ 6013-1 Rem.
Rev. Stat.

Section 6013-1. Whenever a decree of adoption has been entered declaring a child adopted in any court of competent jurisdiction in the State of Washington, a certificate of the decree of adoption shall be recorded with the proper department of registration of births and a certificate of birth shall issue

Adopted
children.

upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said board of health: *Provided, however,* There shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate.

Adds
§ 6013-2 Rem.
Rev. Stat.

SEC. 2. That a new section be added to Remington's Revised Statutes to be known as section 6013-2, which shall read as follows:

Illegitimate
children.

Section 6013-2. Whenever the parents of an illegitimate child intermarry before a certificate of birth is filed, as required by law, such child shall be considered legitimate and the certificate of birth shall be made accordingly.

In any case when the parents of an illegitimate child have intermarried after a certificate of birth is filed, as required by law, a certificate of such marriage may be recorded with the board of health, and a new certificate of birth shall issue upon request in the same form as a certificate of birth for a legitimate child. The board of health shall also send copies of the new certificate of birth to any local office in which the original birth certificate was filed, and such copies shall be substituted for the copies previously filed, and the copies previously filed shall be sent to the board of health. The board of health shall put the certificate of marriage filed, the original certificate of illegitimate birth, and the copy sent by the local office, in a sealed package. Such sealed package shall not be opened except upon order of a court of record.

Passed the House February 10, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 134.

[H. B. 94.]

COMPENSATION OF BAILIFFS.

AN ACT relating to compensation of bailiffs in superior courts and amending section 10973 of Remington's Revised Statutes and repealing section 10974 of Remington's Revised Statutes.

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

SECTION 1. That section 10973 of Remington's Revised Statutes be amended to read as follows: Amends § 10973 Rem. Rev. Stat.

Section 10973. Bailiffs of the several superior courts in this state, appointed by the respective judges thereof, shall be paid for their services as follows: Salary schedule.

1. In class A counties the sum of one hundred fifty dollars (\$150) per month.

2. In counties having a population of more than one hundred twenty-five thousand (125,000) and not class A counties the sum of one hundred thirty-five dollars (\$135) per month.

3. In counties having a population of seventy-five thousand (75,000) but less than one hundred twenty-five thousand (125,000) the sum of one hundred dollars (\$100) per month.

4. In counties having a population of less than seventy-five thousand (75,000) not less than four dollars (\$4.00) per day for each working day.

SEC. 2. That section 10974 of Remington's Revised Statutes be and the same is hereby repealed. Repeals § 10974 Rem. Rev. Stat.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 135.

[H. B. 100.]

OCCUPATIONAL DISEASES.

AN ACT relating to the compensation and medical, surgical, and hospital care and treatment and the welfare and safety of workmen engaged in extra-hazardous employments and to the compensation of the dependents of such workmen in case of death and to the liability of the employers of workmen so engaged for such compensation and the cost of such care and treatment; providing for a compensation for disabilities sustained or death incurred by employees resulting from certain occupational diseases; amending section 1, chapter 212, Laws of 1937 (section 7679-1, Remington's Revised Statutes).

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

Amends
§ 7679-1 Rem.
Rev. Stat.

SECTION 1. That section 1, chapter 212, Laws of 1937 (section 7679-1, Remington's Revised Statutes) be amended to read as follows:

Occupational
diseases.

Section 1. Compensation shall be payable for disabilities sustained or death incurred by an employee resulting from the following occupational diseases:

(1) Anthrax. Handling of wool, hair, bristles, hides or skins;

(2) Lead poisoning or its sequelae. Any process involving the use of or direct contact with lead or its preparations or compounds;

(3) Zinc poisoning or its sequelae. Any process involving the use of or direct contact with zinc or its preparations or compounds or alloys;

(4) Mercury poisoning or its sequelae. Any process involving the use of or direct contact with mercury or its preparations or compounds;

(5) Phosphorous poisoning or its sequelae. Any process involving the use of or direct contact with phosphorous or its preparations or compounds;

(6) Arsenic poisoning or its sequelae. Any process involving the use of or direct contact with arsenic or its preparations or compounds;

(7) Poisoning by benzol or nitro-, hydro-, hydroxy-, and amido- derivatives of benzene (dinitrobenzol, anilin, and others), or its sequelae. Any process involving the use of or direct contact with benzol or nitro-, hydro-, hydroxy-, or amido- derivatives of benzene or its preparations or compounds;

(8) Poisoning by carbon bisulphide or its sequelae, or any sulphide. Any process involving the use of or direct contact with carbon bisulphide or its preparations or compounds, or of any sulphide or sulphite;

(9) Poisoning by tetrachlor-methane or any substance used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose, or its sequelae. Any process involving the use of or direct contact with any substance used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose;

(10) Chrome ulceration or its sequelae or chrome poisoning. Any process involving the use of or direct contact with chromic acid or bichromate of ammonium, potassium or sodium, or their preparations;

(11) Ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of these substances. Handling or use of tar, pitch, bitumen, mineral oil, or paraffin or any compound, product or residue of any of these substances;

(12) Compressed air illness or its sequelae. Any process carried on in compressed air;

(13) Miner's diseases, including cellulitis, bursitis, ankylostomiasis, tenosynovitis and nystagmus;

(14) Cataract in glassworkers. Processes in the manufacture of glass involving exposure to the glare of molten glass;

(15) Methyl chloride poisoning. Any process

involving the use of or direct contact with methyl chloride or its preparations or compounds;

(16) Carbon monoxide poisoning. Any process involving direct exposure to carbon monoxide in buildings, sheds or enclosed places;

(17) Poisoning by sulphuric, hydrochloric or hydrofluoric acid. Any process involving the use of or direct contact with sulphuric, hydrochloric or hydrofluoric acids or their fumes;

(18) Disability arising from blisters or abrasions. Any process involving continuous friction, rubbing or vibration causing blisters or abrasions;

(19) Disability arising from bursitis or synovitis. Any process involving continuous rubbing, pressure or vibration of the parts affected;

(20) Dermatitis (venenata). Any process involving the use of or direct contact with acids, alkalis, acids or oils, or with brick, cement, lime, concrete or mortar capable of causing dermatitis (venenata);

(21) Asbestosis or silicosis (including anthracosilicosis and silico-tuberculosis) resulting from exposure to heavy concentrations of finely divided quartz or other forms of free silica (SiO_2): *Provided, however,* That no workmen shall be entitled to compensation for asbestosis or silicosis specified herein:

a. Unless he was employed within the State of Washington for two years immediately prior to the date of claim for said occupational disease; and

b. If the inception of such disease originated outside the State of Washington unless it be determined that the said disease was continually quiescent and non-disabling for two years prior to the date of injurious exposure in the State of Washington and that such exposure during his employment in the State of Washington activated the quiescent disease to the extent of disability;

(22) Any respiratory disease other than asbestosis or silicosis contracted through the inhalation of dust in any industry where intense dust prevails.

Nothing in this section shall be construed to apply Exceptions. to any case of occupational disease in which the last injurious exposure to the hazards of the disease occurred prior to January first, nineteen hundred thirty-seven, nor to any case in which such occupational disease was incurred in the pursuit of a prior employment to which a character of occupational disease is incident different from those incident to the employment followed at the time the disability occurred: *Provided further*, That no workman shall be entitled to compensation for any of the occupational diseases specified herein, except asbestosis or silicosis, if the onset of such disease originated outside of the State of Washington, unless it is determined that such disease was quiescent and non-disabling one year prior to the date the injurious exposure occurred while in the course of his employment in the State of Washington and that such exposure during such employment in the State of Washington activated the quiescent disease to the extent of disability: *Provided further*, That no workman shall be entitled to compensation for any of the occupational diseases specified herein if the onset of such disease originated outside of the State of Washington, unless it is determined that such disease was quiescent and non-disabling one year prior to the date the injurious exposure occurred while in the course of him [his] employment in the State of Washington and that such exposure during such employment in the State of Washington activated the quiescent disease to the extent of disability.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 136.

[H. B. 163.]

TAXING DISTRICT BOUNDARIES.

AN ACT relating to taxation and setting the date establishing county, city and other taxing district boundaries for purposes of property taxation and the levy of property taxes; and relating to the designation of taxes and assessments.

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

Boundaries
of taxing
districts.

SECTION 1. For the purposes of property taxation and the levy of property taxes for any year, beginning with the year 1940, the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such counties, cities or districts existing on the first day of May of such year.

Taxes
designated.

SEC. 2. All annual taxes and assessments of real and personal property shall hereafter be known and designated as taxes and assessments of the year in which such taxes and assessments, or the initial installment thereof, shall become due and payable; except, that any such taxes and assessments that have become due and payable, or of which any installment has become due and payable, at the time this act becomes effective, shall continue to be known and designated the same as heretofore.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 137.

[H. B. 175.]

ASSESSMENT ON MONTHLY AVERAGE BASIS.

AN ACT relating to the listing and assessment of property for taxation; providing for annual listing and assessment of both real and personal property; prescribing that certain personal property shall be listed and assessed on a monthly average basis; amending section 8, chapter 130, Laws Extraordinary Session of 1925; and declaring an emergency.

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

SECTION 1. That section 8, chapter 130, Laws Extraordinary Session of 1925, (being section 11112, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 11112 Rem.
Rev. Stat.

Section 8. All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: *Provided*, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, the county assessor shall list and assess such stock upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

Listing and
assessment
of personal
and real
property,
January 1st.

Monthly
average.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately,

Effective
immediately.

and shall govern the listing and assessment of property for the year 1939 and future years.

Passed the House March 1, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 138.

[H. B. 191.]

INDUSTRIAL INSURANCE AND MEDICAL AID.

AN ACT relating to the classification of and rates of contribution to the accident, medical aid and occupational disease funds by employers engaged in extra-hazardous employment or under the provision of elective adoption, and amending section 4 of chapter 74 of the Laws of 1911, as amended by section 1 of chapter 89 of the Laws of 1937 (section 7676 of Remington's Revised Statutes); and declaring that this act take effect immediately.

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

SECTION 1. That section 4 of chapter 74 of the Laws of 1911, as amended by section 1 of chapter 89 of the Laws of 1937 (section 7676 of Remington's Revised Statutes) be amended to read as follows:

Section 4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall prior to the fifteenth day of every month, pay into the state treasury (1) for the accident fund and (2) for the medical aid fund, a certain number of cents for each man hour worked by the workmen in his employ, engaged in extra-hazardous employment; if, however, there should be a deficit in any class or sub-class the Director of Labor and Industries, through the Supervisor of Industrial Insurance, is hereby authorized and directed to assess the same against all the contributors to such class or sub-class during the calendar year or fraction thereof in which said deficit

Amends
§ 7676 Rem.
Rev. Stat.

Employer
to pay
percentage
payroll.

Accident
fund.

Medical
aid fund.

Deficit.

was incurred or created. The Director of the Department of Labor and Industries shall have the power to promulgate, change and revise such rates according to the condition of the accident and medical aid funds, and to establish rates for industries declared to be extra-hazardous subsequent to the taking effect of this amendment and/or which voluntarily seek coverage under the elective adoption provisions of this act.

Authority to change rates.

The amounts to be paid into the accident fund shall be determined as follows: The Department of Labor and Industries shall, prior to the first day of January of each year determine, for each class and/or sub-class, a basic premium rate for the ensuing calendar year, and in so doing, shall take into consideration, first, the cost experience of each class and sub-class over the two-year period immediately preceding September first of the year in which the basic rate is being fixed; second, the then condition of each class and/or sub-class account.

Payments into accident fund, how determined.

The Department of Labor and Industries shall also, prior to the first day of January of each year determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and/or sub-class account, applicable to the employer's operations or business, and in so doing, shall take into consideration, the average cost experience of each employer for each workman hour reported by him during each fiscal year in each such class or sub-class over the five-year period immediately preceding September first of the year in which the rate is being determined, and in so computing, the cost experience of any employer, the fixed sum of four thousand five hundred dollars (\$4,500) shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall

Department to make annual estimate of premium rate.

Actual rate.

be required to pay for the accident fund shall be forty per cent (40%) of the basic rate, plus sixty per cent (60%) of the employer's cost rate for each workman hour reported by him during each fiscal year over the five-year period next preceding the then last September first, but in no case shall the total rate exceed one hundred sixty per cent (160%) of the basic rate.

Basic
premium
rate.

The basic premium rates for the accident fund and the medical aid fund, effective immediately upon the passage of this act until so modified by the Director of the Department of Labor and Industries, shall be in accordance with the following classifications, sub-classifications and schedules:

Meaning of
letters.

(The letters "N. O. S." as used in this section shall mean "Not Otherwise Specified.")

(The letter "(S)" as used in this section shall mean suspension of collection of premiums in that fund for employers entitled to an individual rating.)

Ind. Ins. means Industrial Insurance.

Med. Aid means Medical Aid.

Occ. Dis. means Occupational Disease.

Wkmn. Hr. means Workman Hour.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)

Truck
drivers.

(The time of truck drivers and helpers shall be reported as follows:

(1) If the employer's main business is under the act, the classification of the main business will apply.

(2) If trucking incidental to and wholly a part of an extra-hazardous department of a main non-hazardous business, then the classification applicable to the extra-hazardous department will apply.

(3) If trucking is the only extra-hazardous operation being conducted, then classification 11-1 will apply. (Excludes log trucking—see Class 50-1.)

(4) If trucking is separate and distinct from

other extra-hazardous operations, or separate and distinct from other extra-hazardous operations of a main non-hazardous business, then classification 11-1 will apply. (Excludes log trucking—see Class 50-1.)

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
CLASS 1.				
1-1 Ditches and canals (N.O.S) ...	3.2	.4	.1	
Canals other than irrigation ...	3.2	.4	.1	
Excavations (N.O.S.) ...	3.2	.4	.1	
Grading (N.O.S.) ...	3.2	.4	.1	
Diking ...	3.2	.4	.1	
Dredging (includes all marine dredging local in character) .	3.2	.4	.1	
Well drilling ...	3.2	.4	.1	
Asphalt mixing ...	3.2	.4	.1	
Asphalt paving ...	3.2	.4	.1	
Bituminous paving (all types)	3.2	.4	.1	
Block paving ...	3.2	.4	.1	
Concrete street pavements ...	3.2	.4	.1	
Paving, brick (construction and repair) ...	3.2	.4	.1	
Concrete sidewalks (excludes sidewalks and driveways in connection with building construction) ...	3.2	.4	.1	
Plank roads (construction) ...	3.2	.4	.1	
Sidewalks (plank) ...	3.2	.4	.1	
Streets, planking ...	3.2	.4	.1	
Highway, street and road con- struction (includes grub- bing and clearing in connec- tion with street and highway grading), (excludes logging roads), (excludes tunneling in connection with road con- struction) ...	3.2	.4	.1	
Grading streets and high- ways (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads) ...	3.2	.4	.1	
Road grading (this subclass is exclusively for road, street and highway grading), (in- cludes grubbing and clearing in connection with street and highway grading), (excludes logging roads) ...	3.2	.4	.1	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Back filling (incidental to pipe laying)	3.2	.4	.1
Crushed stone surfacing.....	3.2	.4	.1
Conduit (construction)	3.2	.4	.1
Concrete culverts (or other types with span of 12 feet or less) (excludes bridge and trestle approaches)	3.2	.4	.1
Fences (all types) (erection and repair)	3.2	.4	.1
Concrete Construction (N.O.S.) (Includes erection and tearing down of forms).....	3.2	.4	.1
Concrete construction, reinforced (N.O.S.)	3.2	.4	.1
Concrete sidewalks and driveways (N.O.S.)	3.2	.4	.1
Pipe laying	3.2	.4	.1
Sewers	3.2	.4	.1
Trenches	3.2	.4	.1
Water mains (construction and repair (see Class 15-1 for City and County maintenance)	3.2	.4	.1
Pit, crusher and bunker operations in connection with road, street, and highway construction	3.2	.4	.1
Land clearing	3.2	.4	.1
Road surfacing (all types)....	3.2	.4	.1
Retaining walls (all types) (in connection with road, street and highway construction). .	3.2	.4	.1
Diamond drilling (if work performed directly in connection with construction work, then the construction classification shall apply).....	3.2	.4	.1
(Maintenance and repair of equipment and machinery in connection with above types of work subject to this Class 1-1.) (All back filling in connection with above types of work subject to this Class 1-1.)			

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	<i>Classifi- cations and schedules.</i>
1-3 Shaft sinking (N.O.S.)	3.2	.6	.2	
Well digging	3.2	.6	.2	
1-5 Tunnels and approaches (all types) (N.O.S.)	4.0	1.2	.2	
(All excavations, back filling, construction, repairing, dis- mantling, erection, and the construction, erection and tearing down of forms, and the installing of road beds in connection with any of the above types of work is sub- ject to this Class 1-5.)				
1-6 Tunnels (railroad) (includes lining)	4.0	1.2	.2	
1-8 Grading railroad (excludes logging railroads)	1.0	.5	.1	
Railroads (grading)	1.0	.5	.1	
Railroads (construction work other than bridge work)	1.0	.5	.1	
CLASS 2.				
2-1 Breakwater, construction	15.0	2.5	.2	
Bridge building (steel, wood, concrete) (all types)	15.0	2.5	.2	
Bridge foundations and approaches	15.0	2.5	.2	
Bulkhead construction (water hazard)	15.0	2.5	.2	
Concrete culverts (or other types with span more than 12 feet)	15.0	2.5	.2	
Concrete piles in docks and trestles	15.0	2.5	.2	
Jetties	15.0	2.5	.2	
Marine railways (construc- tion)	15.0	2.5	.2	
Pile driving (includes marine pile driving local in char- acter)	15.0	2.5	.2	
Railroads (bridge and trestle work)	15.0	2.5	.2	
Spans, monoliths, structures, causeways, roadways (ele- vated) (all types)	15.0	2.5	.2	
Rip-rapping (water hazard) . .	15.0	2.5	.2	
Subaqueous work	15.0	2.5	.2	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Trestles and approaches (all types)	15.0	2.5	.2
Viaducts (all types)	15.0	2.5	.2
Wharf and pier construction	15.0	2.5	.2
Overhead crossings	15.0	2.5	.2
Undercrossings	15.0	2.5	.2
(All excavations, back filling, construction, repairing, dismantling, erection, and the construction, erection and tearing down of forms, and the installing of road beds in connection with any of the above types of work is subject to this Class 2-1.)			

CLASS 5.

- 1. For the purpose of this Act a janitor or handyman shall be considered a man of all work, i. e., one whose work is so varied and indefinite that it is impractical to segregate his time between non-hazardous and extra-hazardous operations. (See Class 48—elective adoption.)
- 2. A maintenance man shall be considered as one who has been hired to perform specific extra-hazardous work although a part of the employment may be non-hazardous; such work consisting primarily of the maintaining in repair or in condition fixed or established property. (See Class 5 sub-classes for real estate and property owners.)
- 5-1 Washing buildings (inside or outside) 1.0 .4 .1
- Window washing 1.0 .4 .1
- (Excludes domestics, janitors and handymen regularly employed for other purposes), (includes the actual time of all workmen specifically employed to wash buildings or windows.)

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
5-2 Brick work (construction) (N. O.S.) (See Class 5-5 for brick buildings)	3.5	.7	.1	
Chimney (all types) (N.O.S.) .	3.5	.7	.1	
Flooring compositions (hot or cold)	3.5	.7	.1	
Marble, tile, terra cotta (all types in connection with con- struction)	3.5	.7	.1	
Mantel setting	3.5	.7	.1	
Slate work	3.5	.7	.1	
Linoleum or composition cov- ering of walls, floors, drain- boards, etc.	3.5	.7	.1	
Rock walls and rockeries (erec- tion, installation and repair- ing) (excludes landscaping) 3.5	3.5	.7	.1	
5-3 Furnaces (installation)	1.3	.5	.05	
Heating systems (installation) .	1.3	.5	.05	
Plumbing work	1.3	.5	.05	
Ventilating systems (installa- tion)	1.3	.5	.05	
Automatic sprinklers (instal- lation)	1.3	.5	.05	
Boiler (installation)	1.3	.5	.05	
Boiler (covering)	1.3	.5	.05	
Metal weather stripping (in- stallation)	1.3	.5	.05	
Steam pipe covering (installa- tion)	1.3	.5	.05	
Safes and vaults (installations and removals)	1.3	.5	.05	
Manufactured store, bank and building fixtures (installa- tion and removals) (N.O.S.) 1.3	1.3	.5	.05	
Air conditioning and refrigera- tion systems, (installation and repair)	1.3	.5	.05	
(Repairing and servicing of above types of equipment away from the premises of employer's shop subject to this Class 5-3) (see Class 34-2 for shop work)				
5-4 Frescoing	1.0	.5	.2	
Kalsomining	1.0	.5	.2	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Painting, building or structures (includes washing of building or structure as an incidental part of the painting operation)	1.0	.5	.2
Painting (inside or outside work) (includes washing of surfaces to be painted as an incidental part of the painting operation).	1.0	.5	.2
Paper hanging	1.0	.5	.2
Sign painting (inside and outside), (excludes inside shop work)	1.0	.5	.2
Street and building decorating	1.0	.5	.2
Whitewashing	1.0	.5	.2
Billboard and advertising signs (construction, installation and maintenance) (See Classes 34-2, 34-4 and 41-1 for shop work)	1.0	.5	.2
5-5 Fireproof doors and shutters (erection and repair)	2.0	.9	.05
Galvanized iron or tin work (roof or cornice), (installation or repair)	2.0	.9	.05
Grain elevators (construction) (repairs)	2.0	.9	.05
Hothouse construction and repair	2.0	.9	.05
Metal ceiling work	2.0	.9	.05
Roof work (all types), (construction and repair)	2.0	.9	.05
Stair Building (all types)	2.0	.9	.05
Store, bank or building fixtures (constructed on premises) (installation and removal).	2.0	.9	.05
Carpenter work (includes all carpenter and helpers work in connection with alterations, repairs and installation in building industry)	2.0	.9	.05
Concrete and brick buildings (includes all operations in connection with the construction of a concrete or brick building)	2.0	.9	.05

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
All building industry operations, which shall include all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenance thereto	2.0	.9	.05	
Concrete floors and foundations (includes erection and tearing down of forms) in connection with building industry	2.0	.9	.05	
Glass (installation)	2.0	.9	.05	
House and building moving and wrecking	2.0	.9	.05	
Chimneys (all types) (if part of a building industry operation)	2.0	.9	.05	
Installation and repair of all fixtures and equipment in houses or buildings (N.O.S.)	2.0	.9	.05	
Lathing	2.0	.9	.05	
Ornamental metal, tile, and other composition work in and on buildings.....	2.0	.9	.05	
Plastering	2.0	.9	.05	
Stuccoing	2.0	.9	.05	
(Excavations and back filling in connection with building construction, if work done directly by building contractor, subject to this Class 5-5)				
5-8 Chimneys, metal (erection)..	9.0	3.0	.1	
Iron frame structures (other than bridges), (erection)...	9.0	3.0	.1	
Steel frame structures (other than bridges), (erection)...	9.0	3.0	.1	
Steeple (erection)	9.0	3.0	.1	
Tanks, metal (erection).....	9.0	3.0	.1	
Tanks, wooden (erection)...	9.0	3.0	.1	
Tanks, concrete (erection)...	9.0	3.0	.1	
Towers, wood or metal (erection) (includes electrical transmission towers)	9.0	3.0	.1	
Structural steel (N.O.S.).....	9.0	3.0	.1	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Water Towers, metal or wood (erection)	9.0	3.0	.1
Windmills, wood or metal (erection)	9.0	3.0	.1
(This class to include all excavations and foundation work, including dismantling and repairing of above types of structures)			
5-9 Hardwood floors (laying).....	.4	.2	.04
5-10 Temporary employers engaged in any phase of building or general construction and re- pairing	6.0	2.0	.1
CLASS 6.			
6-1 Conduits (placing wires in)... 1.0	1.0	.4	.1
Electrical apparatus (installing systems in buildings).....	1.0	.4	.1
Fire alarms (installation).....	1.0	.4	.1
Electrical installations (servic- ing and repairs N.O.S.) (ex- cludes shop work) (includes household installation and servicing of manufactured household electrical appli- ances) (See class 34-2 for shopwork)	1.0	.4	.1
6-2 Cable railways (construction). 4(s)	.4(s)	.2	.1
Electric railways (construc- tion) .....	.4(s)	.2	.1
Street railway construction (excludes all bridge and trestle work) .....	.4(s)	.2	.1
Street railway grading.....	.4(s)	.2	.1
Telephone and telegraph sys- tems (construction) .....	.4(s)	.2	.1
Transmission lines (construc- tion) (excludes erection of wood or metal towers) (in- cludes erection of wood and metal poles) .....	.4(s)	.2	.1
6-3 Belts (erection of shafting, etc.) .....	.8(s)	.8	.1
Dynamos (installation) .....	.8(s)	.8	.1
Engine (installation) .....	.8(s)	.8	.1
Gas machine (installation)...	.8(s)	.8	.1
Machinery (N.O.S.) .....	.8(s)	.8	.1

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
Machinery (dismantling) . . . .	.8(s)	.8	.1	
Machinery (installation) . . . .	.8(s)	.8	.1	
Machinery (servicing away from shop premises) . . . . .	.8(s)	.8	.1	
Railroad (dismantling), (ex- cludes bridges, trestles and snowshed wrecking) . . . . .	.8(s)	.8	.1	
Elevators (freight or passen- ger) (installation and repair) .8(s)	.8	.8	.1	
6-4 Junk dealers	3.0	2.0	.2	
CLASS 7.				
7-1 Dam construction (includes every operation)	2.4	1.6	.2	
CLASS 8				
8-3 Irrigation ditches, repair and maintenance	1.0	.2	.06	
Highway department of state, counties and cities (all oper- ations in connection with highway maintenance), (ex- cludes all new highway con- struction, grading, or bridge building, which operations must be reported in respec- tive classifications)	1.0	.2	.06	
8-4 Commercial production of sand, gravel, clay and stone prod- ucts	5.5	.8	.1	
CLASS 9.				
9-1 Boat building (steel hulls) . . .	1.0	1.0	.1	
Shipbuilding (steel hulls, in- cludes all operations within shipyards)	1.0	1.0	.1	
9-2 Boat building (wooden hulls) .	3.0	.8	.1	
Shipbuilding (wooden hulls, includes all operations within shipyard)	3.0	.8	.1	
9-4 Ferries, steamboats, tugs (operations) . . . . .	.3	.1	.1	
CLASS 10.				
10-2 Lath mills, planing mills, saw- mills and tie mills (opera- tion and maintenance)	2.2	1.0	.06	
Masts (with or without ma- chinery)	2.2	1.0	.06	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Pole yards (independent of logging operations) (N.O.S.)	2.2	1.0	.06
Fuel and lumber yards with power-driven machinery (includes teamsters, drivers and helpers)	2.2	1.0	.06
Spars (with or without machinery)	2.2	1.0	.06
Retailing of fuel oil by fuel dealers using power driven machinery (includes drivers and helpers)	2.2	1.0	.06
10-3 Shingle mills (operation and maintenance)	2.2	.7	.06
Mfg. of shakes (hand or machinery operation) (does not include cutting of shingle bolts, see Class 50-1)	2.2	.7	.06
10-6 Creosote works (includes yard operations)	1.4	.4	.1
Pile and pole treating works (includes yard operations)..	1.4	.4	.1
10-7 Lumber inspectors (this subclass exclusively for independent lumber inspection companies) .....	.3	.1(s)	.04
CLASS 11.			
11-1 Drayage (transfer and storage) (includes teamsters, drivers and helpers)	1.0	.5	.05
General hauling (N.O.S.) and trucking (excludes log trucking)	1.0	.5	.05
Teaming, truck driving and motor delivery (N.O.S.)....	1.0	.5	.05
Auto freight transportation...	1.0	.5	.05
11-3 Fuel and lumber yards without power driven machinery	2.0	.3	.05
Retailing of fuel oil by fuel dealer where no power driven machinery is used...	2.0	.3	.05
CLASS 13.			
13-1 Bridge tenders (electrically operated bridges) .....	.8(s)	.1	.06
Electric light and power plants (operation and maintenance)	.8(s)	.1	.06

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
Electric systems (N.O.S.) (operation and maintenance) .8(s)	.8(s)	.1	.06	
13-2 Steam heat and power plants (operation and maintenance) .2	.2	.3	.06	
13-3 Telephone systems (operation and maintenance), (excludes telephone operators). (If in- terstate operations involved, payroll segregation to be permitted) .....	.5	.2	.04	
CLASS 14.				
14-1 Street railways (electric inter- urban railroad), (operation) .1	.1	.1	.05	
City or town passenger bus operation (includes those operated by municipalities in connection with street railway system or as a re- placement of street railway system and also those oper- ated by others operating under a municipal franchise) .1	.1	.1	.05	
Stage, taxicab and for hire car driving .....	.1	.1	.05	
Ambulance drivers and helpers .1	.1	.1	.05	
School bus drivers (vehicles used must be under direct control of School District and driver must be expressly employed by School District, or under contract with School District.) (Excludes persons using their own passenger cars to transport children to and from school) .1	.1	.1	.05	
CLASS 15.				
15-1 City and county operation and maintenance (includes all extra-hazardous operations in connection with regular functions of city and county government) (includes peace officers on salary and probation officers having po- lice powers) (excludes all operations in connection with				

Classifications and schedules.

<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
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the maintenance of highways by state, counties and cities. See Class 8-3). (New construction of bridges, grading and paving of roads shall be reported in respective classifications)

1.5	.3	.05
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CLASS 16.

16-1 Coal mines (includes shaft sinking and all tunneling in connection with all coal mines)
Coke ovens (operation), (excludes office force only)

3.0	1.6	.1
3.0	1.6	.1

CLASS 17.

17-2 Mines, all types (other than coal), (includes all shaft sinking and tunneling in connection with mines other than coal)
Ore reduction (by wet or dry process without application of heat at mine)
Shaft sinking (metal mines)
Tunneling (metal mines)
Open cut mining (all types) (excludes prospecting)
Placer or hydraulic mining
Clay pits (N.O.S.)
17-3 Quarries
Stone cutting (quarry hazard)

2.4	.6	.06
2.4	.6	.06
2.4	.6	.06
2.4	.6	.06
2.4	.6	.06
2.4	.6	.06
2.4	.6	.06
8.0	1.5	.06
8.0	1.5	.06

CLASS 18.

18-1 Blast furnace (operation)
Rolling mills (operation)
Steel and iron making
Open hearth furnaces (operation)
Smelters (operation)
Copper, lead, zinc, etc. (smelting)

.3(s)	.4	.1
.3(s)	.4	.1
.3(s)	.4	.1
.3(s)	.4	.1
.3(s)	.4	.1
.3(s)	.4	.1

CLASS 19.

19-1 Gas works (operation), (excludes meter readers, complaint men, solicitors and store room employees)

1.6	.3	.04
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	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
Oil refineries (operation and maintenance) (does not include distribution or merchandising. See Class 34-7)	1.6	.3	.04	
CLASS 21.				
21-1 Chop, feed and flour mills (operation) .....	.6	.2	.1	
Seed cleaning .....	.6	.2	.1	
Grain and feed stores—wholesale and retail (includes drivers and helpers).....	.6	.2	.1	
21-2 Grain warehouse and elevators (operation) .....	.4	.1	.1	
Commercial storage warehouses (operation) (includes drivers and helpers) (excludes operations in connection with Class 11-1).....	.4	.1	.1	
Warehouse operations of merchandise wholesalers (N.O. S.) (excludes drivers and helpers) (See Class 11-1 for drivers and helpers).....	.4	.1	.1	
21-4 Fruit warehouses (includes all operations in connection with grading, sorting and packing of fresh fruits).....	.4	.2	.2	
(Includes cold storage operations if a part of warehousing operations; if a separate distinct operation or business see Class 44-1)				
Vegetable warehouses (same as fruit warehouses) (See Class 11-1 for drivers and helpers) .....	.4	.2	.2	
Commission fruit and vegetable warehouses (See Class 11-1 for drivers and helpers)....	.4	.2	.2	
CLASS 22.				
22-1 Laundries (operation), (includes drivers and helpers).	.15	.1(s)	.1	
Dye works and cleaners (includes drivers and helpers).	.15	.1(s)	.1	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
CLASS 23.			
23-1 Water works (operation), (other than municipal which is to be reported in Class 15-1)	1.2	.2(s)	.04
CLASS 24.			
24-1 Paper mills (operation and maintenance) .....	.4	.3	.1
Pulp Mills (operation and maintenance) .....	.4	.3	.1
CLASS 29.			
29-1 Cooperage (manufacturing)..	1.2	.4	.06
Staves, barrel, tub (manufac- turing)	1.2	.4	.06
Barrels, kegs, pails (manufac- turing)	1.2	.4	.06
Basket manufacturing	1.2	.4	.06
29-2 Sash, door, blinds, etc. (man- ufacturing) .....	.7	.3	.06
Glazing, beveling and setting glass (in shops and factories)	.7	.3	.06
Sash and door factories (all factory operations) .....	.7	.3	.06
29-3 Excelsior (manufacturing) ...	.7	.3	.06
Veneering (manufacturing) ..	.7	.3	.06
Cabinet works .....	.7	.3	.06
Furniture (manufacturing) ..	.7	.3	.06
Boxes and packing cases (manufacturing) .....	.7	.3	.06
Wooden and fibre ware (manufacturing) .....	.7	.3	.06
Wood working (N.O.S.), (shop work only) .....	.7	.3	.06
Kindling wood .....	.7	.3	.06
Wood pipe (manufacturing)..	.7	.3	.06
Pattern shops (independent)..	.7	.3	.06
Manual training instructors (shop work only) (public schools only) .....	.7	.3	.06
Plant fabrication of ready- made houses (See Class 5-5 for erection) .....	.7	.3	.06
CLASS 31.			
31-1 Building material (N.O.S.)...	.7(s)	.4	.1
Concrete blocks and tiles (manufacturing) .....	.7(s)	.4	.1
Lime (manufacturing) .....	.7(s)	.4	.1

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	<i>Classifi- cations and schedules.</i>
Oils and paints (manufacturing) .....	.7(s)	.4	.1	
Staves (cement) .....	.7(s)	.4	.1	
Cement (manufacturing) ....	.7(s)	.4	.1	
Paving blocks (cutting).....	.7(s)	.4	.1	
Stone cutting (away from quarry) .....	.7(s)	.4	.1	
(All employers engaged in the business of manufactur- ing building materials (N.O. S.) and the wholesale ware- housing of such building ma- terials subject to this class.)				
CLASS 33.				
33-1 Fish canneries and fish trap (operation)	1.0	.4	.1	
33-2 Fish oil (manufacturing).....	1.0	.3	.1	
Fish products	1.0	.3	.1	
Oyster beds and cannery (operations)	1.0	.3	.1	
Fish reduction plants (opera- tion)	1.0	.3	.1	
CLASS 34.				
34-1 Automobile painting .....	.5	.3	.1	
Vulcanizing .....	.5	.3	.1	
Automobile body construction and repair .....	.5	.3	.1	
Auto sales agencies and ga- rages (includes only those operations in connection with storage, service, parts and re- pair departments) (gas and oil service stations perform- ing auto repairing subject to this class) .....	.5	.3	.1	
Auto wrecking .....	.5	.3	.1	
34-2 Blacksmith shops, with ma- chinery .....	.6	.4	.06	
Boiler works .....	.6	.4	.06	
Foundries .....	.6	.4	.06	
Machine shops (N.O.S.).....	.6	.4	.06	
Wood working (in connection with car building).....	.6	.4	.06	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
Welding (shop work only) (welding at site of construction, installation or repair work to be reported under construction, installation or repair classification) . . . . .	.6	.4	.06
(This class to apply to all employers who operate a shop using power-driven machinery for the purpose of manufacturing (N.O.S.), repairing or servicing articles)			
34-3 Airplane (manufacturing) . . . . .	.2	.2	.06
34-4 Cans (manufacturing) . . . . .	.6	.25	.06
Galvanized iron works (manufacturing) . . . . .	.6	.25	.06
Hardware (manufacturing) . . . . .	.6	.25	.06
Metal (stamping) plating and polishing . . . . .	.6	.25	.06
Sheet metal works . . . . .	.6	.25	.06
Stamping tin or metal . . . . .	.6	.25	.06
Tin works . . . . .	.6	.25	.06
Neon and illuminated signs (manufacturing) . . . . .	.6	.25	.06
(This class for shop operations only)			
34-6 Gas service stations (excludes auto repairing) . . . . .	.2(s)	.1	.06
Oil service stations (excludes auto repairing) . . . . .	.2(s)	.1	.06
34-7 Merchandising of oils (in- cludes drivers and helpers) (This class applies only to those employers engaged in the wholesale distribution of oils)	1.5	.16	.06
CLASS 35.			
35-1 Brick (manufacturing) . . . . .	.3(s)	.3	.1
Earthenware (manufacturing) . . . . .	.3(s)	.3	.1
Fire clay products (Manufacturing) . . . . .	.3(s)	.3	1.
Porcelain ware (manufacturing) . . . . .	.3(s)	.3	.1
Pottery (manufacturing) . . . . .	.3(s)	.3	.1
Terra Cotta (manufacturing) . . . . .	.3(s)	.3	.1

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	<i>Classifi- cations and schedules.</i>
Tile (manufacturing) .....	.3(s)	.3	.1	
Glass (manufacturing) .....	.3(s)	.3	.1	
(This class does not apply to the production of raw materials for use in the manufacturing of the above articles.)				
35-2 Briquettes (manufacturing)...	3.0	.3	.1	
Charcoal burning	3.0	.3	.1	
Peat fuel (manufacturing)...	3.0	.3	.1	
CLASS 37.				
37-1 Alcohol (manufacturing) ....	.3	.2	.1	
Ammonia (manufacturing) ..	.3	.2	.1	
Nitrogen (manufacturing) ...	.3	.2	.1	
Oxygen (manufacturing) ....	.3	.2	.1	
Chemical and assaying laboratories .....	.3	.2	.1	
Chemical (manufacturing) ..	.3	.2	.1	
Distilleries .....	.3	.2	.1	
37-2 Bottling works (includes driv- ers and helpers).....	.25	.25	.1	
Breweries (includes drivers and helpers) .....	.25	.25	.1	
Wineries (includes drivers and helpers) .....	.25	.25	.1	
CLASS 38.				
38-1 Brooms (manufacturing) ....	.05(s)	.16(s)	.05	
Brushes (manufacturing) ....	.05(s)	.16(s)	.05	
Cordage (manufacturing) ...	.05(s)	.16(s)	.05	
Asbestos products (manufacturing) .....	.05(s)	.16(s)	.05	
Leather (working in) (in- cludes shoe repair shops using power driven machin- ery) .....	.05(s)	.16(s)	.05	
Rubber (working in).....	.05(s)	.16(s)	.05	
38-2 Cloth (working in) .....	.03(s)	.1	.05	
Textiles (manufacturing) ...	.03(s)	.1	.05	
Textiles (N.O.S.) .....	.03(s)	.1	.05	
Tailoring and alteration estab- lishments or departments having power-driven ma- chinery .....	.03(s)	.1	.05	
(Class 38-2 includes all operations in connection with				

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
manufacturing, alteration and repair of cloth and textiles by employers engaged in such operations as a business or industry)			
38-5 Paper (working in) . . . . .	.3	.15	.1
Paper products (manufacturing) . . . . .	.3	.15	.1
CLASS 39.			
39-1 Bakeries (includes drivers and helpers) . . . . .	.1	.1(s)	.1
Candy or cracker (manufacturing) . . . . .	.1	.1(s)	.1
Macaroni making . . . . .	.1	.1(s)	.1
Confectionery (manufacturing) . . . . .	.1	.1(s)	.1
39-2 Canneries (fruit and vegetables) . . . . .	.2	.1	.1
Foodstuffs (working in) (N.O.S.) . . . . .	.2	.1	.1
Fruits (canning) . . . . .	.2	.1	.1
Dehydrators (all operations) . . . . .	.2	.1	.1
Frozen fruits and vegetables (commercial wholesaling operations only) . . . . .	.2	.1	.1
Potato sorting (if broker or commission agent have sorting operations conducted they shall be considered as the employers). (If work performed by farmer see Class 48-3) . . . . .	.2	.1	.1
39-3 Sugar refineries (all operations), (includes drivers and helpers)	2.0	.5	.2
39-4 Handling, processing and adapting for sale, butter, eggs, poultry and egg meat products (N.O.S.) . . . . .	.2	.15	.1
39-5 Restaurants and establishments (except private boarding houses) preparing and serving food to the public for consumption on the premises . . . . .	.1	.1	.1
Bunkhouses, kitchens and eating houses in connection with			

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	<i>Classifi- cations and schedules.</i>
extra-hazardous occupations or conducted primarily for employees in extra-hazardous occupations .....	.1	.1	.1	
CLASS 40.				
40-1 Condensed milk (all operations), (includes drivers and helpers) .....	.4	.15	.04	
40-2 Cheese making (includes drivers and helpers).....	.4	.15	.06	
Creameries and dairies (operation), (includes drivers and helpers) .....	.4	.15	.06	
Ice cream (manufacturing), (includes drivers and helpers) .....	.4	.15	.06	
(If a separate distinct commercial dairy or creamery operation is operated in connection with a dairy farm this Class 40-2 will apply to all workmen employed within that separate distinct operation.) (The operations in connection with the actual dairy farming may be covered under Elective Adoption, Class 48-3.)				
CLASS 41.				
41-1 Electrotyping .....	.1(s)	.1	.1	
Engraving (photo-engraving) .	.1(s)	.1	.1	
Lithographing .....	.1(s)	.1	.1	
Photo-engraving .....	.1(s)	.1	.1	
Linotype operators (includes all employees in room with machinery) .....	.1(s)	.1	.1	
Printing .....	.1(s)	.1	.1	
Jewelry (manufacturing) ....	.1(s)	.1	.1	
Jewelry engraving .....	.1(s)	.1	.1	
Sign and card printing and painting (inside shop operations only) .....	.1(s)	.1	.1	
CLASS 42.				
42-1 Longshoring and stevedoring..	3.0	.7	.1	
Wharf and pier (operation)...	3.0	.7	.1	

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
CLASS 43.			
43-1 Fertilizer (manufacturing), (includes drivers and helpers) .....	.3	.25	.1
Lard making (includes drivers and helpers) .....	.3	.25	.1
Meat products (canneries), (includes drivers and helpers) .....	.3	.25	.1
Packing houses (includes all operations in connection with the meat packing indus- try), (includes drivers and helpers) .....	.3	.25	.1
Slaughter houses (includes drivers and helpers) .....	.3	.25	.1
Stockyards (operations), (in- cludes drivers and helpers) ..	.3	.25	.1
Tallow making (includes driv- ers and helpers) .....	.3	.25	.1
Tanneries (includes drivers and helpers) .....	.3	.25	.1
Garbage works (includes drivers and helpers) .....	.3	.25	.1
Incinerators (includes drivers and helpers) .....	.3	.25	.1
Meat, fish, and poultry mar- kets (with power machin- ery), (includes drivers and helpers) .....	.3	.25	.1
Soap making (includes drivers and helpers) .....	.3	.25	.1
CLASS 44.			
44-1 Cold storage plants (refrigera- tion), (includes drivers and helpers) .....	.3	.35	.1
Ice, artificial (manufacturing and delivery), (includes drivers and helpers) .....	.3	.35	.1
Refrigeration or cold storage plants (operation), (includes drivers and helpers) .....	.3	.35	.1
Ice, natural (harvesting and handling), (includes drivers and helpers) .....	.3	.35	.1

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
CLASS 45.				
45-1 Theatre, moving picture operators and stage employees only .....	.1(s)	.12	.1	
CLASS 46.				
46-1 Powder works (manufacturing), (includes all operations)	5.0	1.2	.2	
46-2 Fireworks (includes all operations in connection with manufacturing) (excludes the sale, exhibition and display of fireworks)	4.0	.5	.2	
CLASS 47.				
47-1 Combined chemicals and explosives (manufacturing)...	4.0	1.5	.2	
CLASS 48.				
Elective adoption (sub-classes as follows):				
48-1 Caretakers (N.O.S.) .....	.1(s)	.1	.1	
Clerks (N.O.S.) .....	.1(s)	.1	.1	
Janitors .....	.1(s)	.1	.1	
Office employees (N.O.S.)....	.1(s)	.1	.1	
Inside occupations (N.O.S.)..	.1(s)	.1	.1	
Inside salesmen and demonstrators (N.O.S.) .....	.1(s)	.1	.1	
(Office employees of employers whose main business is subject to the compulsory provisions of this Act and whose duties do not require them to be subject to the extra-hazardous operations being conducted are entitled to coverage under this classification (elective adoption). Office employees of such employers who are subject as a result of their duties, to the hazards being conducted are entitled to coverage under Class 49-4. Office employees of employers whose main business is not subject to the Act are entitled to coverage				

Classifications and schedules.

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>
under this class (elective adoption). Persons employed specifically as janitors and whose duties are of a general "handyman" nature are entitled to coverage under this class (elective adoption).			
48-2 Outside salesmen, demonstrators and collectors using automobiles .....	.5	.15	.1
Outside occupations (N.O.S.) .	.5	.15	.1
48-3 Agricultural workers	1.5	.3	.1
48-7 Temporary building construction by employers who are not engaged in a business or an industry. (I. e., a person employing help by day labor to perform work on his own home; farmers; churches, charitable and social organizations)	4.0	1.0	.1
CLASS 49.			
49-1 Foresters (forest rangers, timber cruisers, surveyors and engineers) .....	.3	.1	.1
Guards (penitentiary and other penal institutions), (employed by state).....	.3	.1	.1
Peace officers, on salary, having police powers (excludes town, city and county peace officers, see Class 15-1).....	.3	.1	.1
Wardens, fish, and game (employed by state).....	.3	.1	.1
Inspectors (having police powers and employed by state) .	.3	.1	.1
State park employees having police powers .....	.3	.1	.1
Employees of the Department of Labor and Industries....	.3	.1	.1
49-2 Highway patrol (state).....	6.0	2.0	.1
49-4 Office employees of employers subject to the compulsory provisions of law and whose employment duties require exposure to extra-hazardous operations being conducted by employer) .....	.1	.1	.1

	<i>Industrial Insurance Cents Per Workman Hour</i>	<i>Medical Aid Cents Per Workman Hour</i>	<i>Occupational Disease Cents Per Workman Hour</i>	Classifi- cations and schedules.
CLASS 50.				
50-1 Logging, operation and main- tenance	8.0	1.4	.06	
Railroads, logging (operation)	8.0	1.4	.06	
Shingle bolt cutting	8.0	1.4	.06	
Tie cutting	8.0	1.4	.06	
Log trucking (includes contract log hauling)	8.0	1.4	.06	
(Logging shall be considered the complete operations of falling, bucking, skidding, yarding, loading and other necessary incidental operations)				
50-2 Booming and rafting logs	1.0	.3	.05	
50-3 Pulpwood cutting (which figures at rate of 30½¢ per cord)	3.0	.75	.06	
50-4 Logging, rail and truck road construction and maintenance	1.0	.6	.05	

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the Director of Labor and Industries of such fact, accompanying such notification with an estimate of his payroll and workmen hours for the first calendar month of his proposed operations, and shall make payment of the premium on such estimate. Every such employer shall be liable for a premium of at least such estimate. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three or four year period may be computed as of a first succeeding September first date, and shall be liable for a premium of at least one dollar (\$1.00) per month irrespective of the amount of his workmen hours reported during said month to the Department.

Employers.

Notification of commencing or resuming operations.

Payroll estimate.

Basic rate paid until experience rate computed.

High cost
experience.

To the end that no employer shall evade the burden imposed by an unfavorable or high cost experience, the Director of Labor and Industries shall have the power to determine whether or not an increase, decrease or change (a) of operating property; (b) of interest in operating property; (c) of employer; (d) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience.

Monthly
report of
payroll.

Every employer within the provisions of this act shall on or before the fifteenth day of each month hereafter furnish the Department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided in this act, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the Director of Labor and Industries.

Employer
to keep
record of
employment.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the Director of Labor and Industries, Supervisor of Industrial Insurance, or the traveling auditors, agents or assistants of the Department, as provided in section 7690 of Remington's Revised Statutes of Washington.

Partners
or others
excluded.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the Department prior to the date of injury to such person. Such employer shall at the time of reporting his

payroll and workmen hours also state the names and addresses of any contractor or sub-contractor operating for or under him.

Every person, firm, or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of not to exceed one hundred dollars (\$100) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Failure to report—
penalty.

Every employer who shall fail to furnish an estimate of payroll and workmen hours and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the Department, to a penalty in a sum equal to fifty per cent (50%) of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund and/or medical aid fund. The Director of Labor and Industries may waive the whole or any part of any penalty charged under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the Department with an estimated payroll and workmen hours or with monthly reports of his payroll and workmen hours as required by this section, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of

Failure to furnish estimate—
penalty.

Waiver of
penalty.

Injury during
default.

Action by injured
workman.

a fellow servant of the injured workman, that the negligence of the injured workman, other than his wilful act committed for the purpose of sustaining the injury contributed to the accident or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund and/or medical aid fund.

Election of
remedy.

Misrepresenta-
tion by
employer—
penalty.

Any employer, who shall misrepresent to the Department the amount of his payroll or the number of workmen hours upon which the premium under this act is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentations shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

Accounts,
accident
fund.

For the purpose of such payments into the accident fund, accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Accounts,
medical aid
fund.

The medical aid fund created in section 7713 of Remington's Revised Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and sub-class of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experi-

ence of such classes and sub-classes and determining the correctness of the medical aid rates charged such classes and sub-classes.

It is the intent that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, and if in the adjustment of premium rates by the Director of Labor and Industries the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein the Department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Adjustment
of rates.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The Director of Labor and Industries shall make corrections of classifications or sub-classifications or changes in rates, classes, and sub-classes when the best interests of such classes or sub-classes will be served thereby. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may appeal to the joint board and to the courts in the manner provided in section 7697 of Remington's Revised Statutes.

Unlawful
to deduct
premiums
from wages.

Corrections
of classifi-
cations.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the workmen hours of each occupation, or in the discretion of the Director of Labor and Industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest number of workmen hours: *Provided, That, when a single es-*

Single estab-
lishment,
different risk
classes.

Computation
of premiums.

Segregated
classifica-
tions.

Department
attorney
to collect
premiums.

Coal mines.

Building
industry.

Effective
date of rates
and classifi-
tions.

tablishment or work comprises distinct different risk classes, each employing a considerable number of persons, the right to have the premium computed according to the number of workmen hours of each occupation shall not be denied the employer without hearing: *Provided further*, That any employer desiring to report his operations in the various distinct risk classifications subsequent to the passage of this act, must, before so reporting, notify the Director of Labor and Industries in writing of such fact, prior to the first day of the month in which such employer desires to segregate his operations, and inform the Director of the segregated classifications he desires. After an employer has segregated his operations into the various distinct risk classifications, unless the employer and the Director agree to the contrary, the employer must continue to report in those segregated classifications as long as they exist in his operation and involve a considerable number of employees.

The Director of Labor and Industries shall have power to authorize any employee of the Department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

That the premiums of employers operating coal mines which shall include shaft sinking and all tunneling in connection with coal mines and the building industry, which shall include, all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenance thereto, adapted to residential, business, governmental, educational or manufacturing uses, shall be computed on a base rate only and no merit rating credits or penalties shall be given or imposed on such employers.

SEC. 2. The rates and classifications as provided in section 4 of chapter 74 of the Laws of 1911, as

amended by section 1 of chapter 89 of the Laws of 1937 (section 7676 of Remington's Revised Statutes), as amended by section 1 of this act, shall take effect as of January 1, 1939, except as to new industries classified for the first time as extra-hazardous.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 139.

[H. B. 221.]

INDEBTEDNESS OF EMPLOYER TO DECEASED EMPLOYEE.

AN ACT requiring an employer to pay, to certain persons, wages earned by a deceased employee prior to death.

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

SECTION 1. EMPLOYER DEFINED. For the purposes of this act the word "employer" shall include every person, firm, partnership, corporation, the State of Washington, and all municipal corporations. "Employer."

SEC. 2. If at the time of the death of any person, his employer is indebted to him for work, labor and services performed, and no executor or administrator of his estate has been appointed, such employer shall upon the request of the surviving spouse forthwith pay said indebtedness, in such an amount as may be due not exceeding the sum of three hundred dollars (\$300), to the said surviving spouse or if the decedent leaves no surviving spouse, then to the child or children, or if no children, then to the father or mother of said decedent. The employer Payment of indebtedness to surviving spouse.

shall require proof of claimant's relationship to decedent by affidavit, and shall require claimant to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of this act shall operate as a full and complete discharge of the employer's indebtedness to the extent of said payment, and no employer shall thereafter be liable therefor to the decedent's estate, or the decedent's executor or administrator thereafter appointed.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 140.

[H. B. 231.]

WILD LIFE RESTORATION PROJECTS.

AN Act relating to wildlife and game; assenting to the purposes and provisions of that certain act of Congress entitled: "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937, and empowering and directing the state department of game to establish and conduct wildlife-restoration projects; and providing that no funds accruing to the State of Washington from hunting license fees shall be diverted for any other purpose than the protection, propagation and restoration of wildlife and game and the expenses of administration of the state department of game.

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

Cooperative projects.

SECTION 1. The State of Washington hereby assents to the purposes and provisions of that certain Act of Congress entitled: "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public, No. 415, 75th Congress), and the State Department of Game is hereby author-

ized, empowered and directed to perform such acts as may be necessary to establish and conduct cooperative wildlife-restoration projects, as defined in said Act of Congress, in compliance with said act and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

SEC. 2. No funds accruing to the State of Washington from hunting license fees shall be diverted to any other purpose than to the protection, propagation and restoration of wildlife and game and the expenses of administration of the State Department of Game.

Hunting
license fees.

Passed the House February 27, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 141.

[H. B. 235.]

AUBREY L. WHITE PARKWAY.

AN ACT designating and officially naming an existing park road within Riverside State Park the Aubrey L. White Parkway.

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

SECTION 1. An existing state park road within the Riverside State Park, Spokane County, is hereby officially designated and named Aubrey L. White Parkway and bounded as follows: Part one: beginning at the entrance to Riverside State Park on the north bank of the Spokane River where the road crosses the west line of lot nine (9) section two (2) township twenty-five (25) north range forty-two (42) E. W. M., thence in a northerly direction along the north bank of the Spokane River to the Seven Mile bridge, a distance of approximately six (6) miles, and Part two: beginning in the northwest

Park road
named.

quarter (NW $\frac{1}{4}$) of section ten (10) township twenty-five (25) north range forty-two (42) E. W. M. where the road enters the Riverside State Park; thence extends in a northerly direction along the south bank of the Spokane River to Nine Mile in section six (6) township twenty-six (26) north range forty-two (42) E. W. M., a distance of approximately eight (8) miles.

Passed the House February 17, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 142.

[H. B. 240.]

PAROLE OF PRISONERS.

AN ACT relating to release or parole of persons convicted to the penitentiary and reformatory and amending section 4 of chapter 114 of the Laws of 1935, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 114 of the Laws of 1935 be amended to read as follows:

Section 4. The Board of Prison, Terms and Paroles may permit a convicted person to leave the buildings and enclosures of the penitentiary or the reformatory, as the case may be, on parole, after such convicted person has served the period of confinement fixed for him or her by the Board of Prison, Terms and Paroles, less time credits for good behavior and diligence in work as provided for by this Board: *Provided*, That in no case shall the inmate be credited with more than one-third of his sentence as fixed by the Board.

The Board of Prison, Terms and Paroles shall have the power to establish rules and regulations

Amends
§ 4, ch. 114,
Laws 1935.

Paroles
granted,
when.

under which a convicted person may be allowed to leave the confines of the penitentiary or the reformatory on parole, and shall also have the power to return such person to the confines of the institution from which he or she was paroled, at its discretion.

Power of board.

The Board of Prison, Terms and Paroles may impose as a condition of a parole granted a convicted person that all or a portion of his or her credits earned, or to be earned, shall be forfeited in the event that such convicted person shall break his or her parole or violate any law of the state, or rule or regulation of the penitentiary or the reformatory, as the case may be, or the Board of Prison, Terms and Paroles.

Forfeiture of credits.

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and upon the findings of the Board of Prison, Terms and Paroles that such convicted person was guilty thereof, which adjudication shall be final. At such hearing such convicted person, unless outside the walls of the penitentiary or the reformatory, as the case may be, as an escapee and a fugitive from justice, shall be present and entitled to be heard and present evidence and witnesses in his or her behalf.

Hearing.

The written order of the Board of Prison, Terms and Paroles, bearing the seal of that body, shall be sufficient warrant for all officers named in this section to take into custody any convicted person who may be on parole and retain such person in his custody until arrangements can be made by the Board of Prison, Terms and Paroles for his or her return to the institutions from which he or she was paroled.

Order of board to retake possession.

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties and all police, prison and peace officers and constables to execute any such order in the same manner as any ordinary criminal process.

Records.

The Board of Prison, Terms and Paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The Board of Prison, Terms and Paroles may make rules as to the privacy of such records and their use by others than the Board of Prison, Terms and Paroles and its staff.

Officials to cooperate.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof and all other public officials shall at all times cooperate with the Board of Prison, Terms and Paroles, and shall furnish to such Board, its officers and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of such Board, its officers and employees free access to all prisoners confined in the penal institutions of the state.

Governor's powers not restricted.

It is understood that no provision in this act will limit or circumscribe the powers of the Governor of the state to commute the sentence of, or grant a pardon to, any convicted person, and the Governor is hereby authorized to cancel and revoke the parole granted to any convicted person by the Board of Prison, Terms and Paroles. The written order of the Governor of the state cancelling or revoking such parole shall have the same force and effect and be executed in like manner as an order of the Board of Prison, Terms and Paroles.

Fugitive from justice.

From and after the suspension, cancellation or revocation of the parole of any convicted person and until his return to custody he shall be deemed an escapee and a fugitive from justice and no part of the time during which he is an escapee and fugitive from justice shall be a part of his term.

The Board of Prison, Terms and Paroles shall make all necessary rules and regulations to carry out the provisions of this act not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Rules and regulations.

The provisions of this act so far as applicable thereto are to apply to all convicted persons now serving time in the penitentiary or the reformatory, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all the inmates thereof: *Provided further*, That no prisoner shall be released from the penitentiary or the reformatory unless, in the opinion of the Board of Prison, Terms and Paroles, his rehabilitation has been complete and he is a fit subject for release, or until his maximum term expires.

Act applies to present convicted persons.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1939.

Effective April 1, 1939.

Passed the House March 3, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 143.

[H. B. 271.]

CORPORATIONS.

AN ACT relating to corporations; amending sections 5, 8, 18, 21, 31, 38, 41, 47, 49 and 59 of chapter 185 of the Laws of 1933; adding new sections to chapter 185 of the Laws of 1933 to be numbered 21½, 32½, 40½ and 59½; and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. That section 5 of chapter 185 of the Laws of 1933 be amended to read as follows:

Amends § 5, ch. 185, Laws 1933.

Triplicate originals of articles.

Section 5. I. Triplicate originals of the articles of incorporation shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of incorporation conform to law he shall put an endorsement of his approval upon each set, and when all taxes, fees and charges have been paid as required by law, he shall file one of such sets of articles in his office, and shall record the same, and shall issue a certificate of incorporation.

Issuance of certificate of incorporation.

II. Upon the issue of the certificate of incorporation, the corporate existence shall begin, and subject to the provisions of section 6, those persons who subscribed for shares prior to the issuance of the certificate of incorporation, or their assigns, shall be shareholders in the corporation.

III. The certificate of incorporation together with the two remaining sets of the articles of incorporation bearing the endorsement of the fact and time of filing in the office of the Secretary of State shall be returned to the incorporators or their representative. One of the sets of the articles of incorporation shall then be filed in the office of the Auditor of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation.

Amends § 8, ch. 185, Laws 1933.

Corporation may contract debts and transact business, when.

SEC. 2. That section 8 of chapter 185 of the Laws of 1933 be amended to read as follows:

Section 8. I. A corporation formed under this act shall not incur any debts or begin the transaction of any business, except such as is incidental to its organization or to the obtaining of subscriptions to or the payment for its shares, until:

a. a triplicate original of the articles of incorporation has been filed in the office of the Auditor as provided in section 5;

b. the amount of paid-in capital with which it will begin business, as stated in the articles of incorporation, has been fully paid; and

c. there has been filed in the office of the Auditor of the county in which the corporation has its registered office an affidavit signed by at least a majority of the board of directors stating that the amount of paid-in capital with which it will commence business, as stated in the articles of incorporation, has been fully paid.

II. If a corporation has transacted any business in violation of this section, the officers who participated therein and the directors, except those who dissented therefrom and caused their dissent to be filed at the time in the registered office of the corporation, or who, being absent, so filed their dissent upon learning of the action, shall be severally liable for the debts or liabilities of the corporation arising therefrom.

SEC. 3. That section 18 of chapter 185 of the Laws of 1933 be amended to read as follows:

Amends
§ 18, ch. 185,
Laws 1933.

Section 18. I. Within 30 days after incorporation, and within 90 days after every subsequent allotment of shares the facts in regard to which have not been made public in a report previously filed as required by this section, the corporation shall file in the office of the Auditor of the county in which the corporation has its registered office and in the office of the Secretary of State, the fee to be thirty cents in each of said offices for such filing, a report verified by the president or vice-president and by the secretary, assistant secretary or treasurer, and containing:

Report filed.

Fee.

a. a statement of the total number of shares allotted up to the date of the report, the number of such shares that have no par value, the number of such shares that have a par value, and the par value thereof;

Statement
of shares
allotted.

b. an accurate, detailed and itemized description of the consideration received or to be received

in payment for shares allotted, or allotted since the date of the last report;

Statement of valuation.

c. a statement of the valuation put by the incorporators, shareholders or board of directors, as the case may be, upon the consideration other than cash received or to be received in payment for shares allotted, or allotted since the date of the last report, and, in case of shares allotted as a stock dividend, the amount of surplus transferred to capital in respect of such a dividend, whether all or any part of such surplus was created by a revaluation of assets, and if so, the value of the assets on the books of the corporation before and after such revaluation, the amount of the surplus or deficit before such revaluation, and the amount of the surplus after such revaluation.

Penalty for failure to file report.

II. For every violation of this section, a corporation shall be liable to the state in a fine not exceeding one-tenth of one per cent of the amount of its capital stock for each day's omission after the time limited for the filing of such report.

Amends § 21, ch. 185, Laws 1933.

SEC. 4. That section 21 of chapter 185 of the Laws of 1933 be amended to read as follows:

Transfers—by-laws.

Section 21. The transfer of certificates of stock and the shares represented thereby may be regulated by the by-laws, but such transfer, while valid between the parties thereto, shall not be binding upon the corporation until the same shall have been entered upon the books of the corporation so as to show the names of the parties by and to whom transferred, the numbers and designation of the shares, and the date of the transfer.

Amends § 31, ch. 185, Laws 1933.

SEC. 5. That section 31 of chapter 185 of the Laws of 1933 be amended to read as follows:

Directors.

Section 31. I. The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation so require. A director shall

hold office for the term for which he was named or elected and until his successor is elected and qualified.

II. The names and terms of office of the first directors shall be stated in the articles of incorporation. Except as provided in paragraph (b) of subdivision III of this section, directors other than those constituting the first board, shall be elected by the shareholders.

III. The number, qualifications, terms of office, manner of election, time and place of meeting, and the powers and duties of the directors may, subject to the provisions of this act, be prescribed by the articles or by-laws. Except as otherwise prescribed in the articles or by-laws:

a. a director shall be elected for a term of one year;

b. vacancies in the board of directors shall be filled by the remaining members of the board, and each person so elected shall be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose and held prior thereto;

c. the meetings of the board of directors may be held at such place, whether in this state or elsewhere, as a majority of the directors may from time to time appoint;

d. a majority of the board of directors shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

e. the board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution, shall have and exercise the authority of

the board of directors in the management of the business of the corporation.

Removal of directors.

IV. The entire board of directors or any individual director, may, at a special meeting of the shareholders called for that purpose in the manner provided by section 27 of this act, be removed from office by a vote of shareholders holding a majority of the outstanding shares entitled to a vote at an election of directors. In case the board or any one or more directors be so removed, new directors may be elected at the same meeting. Unless the entire board be removed, no individual director shall be removed in case the votes of a sufficient number of shares are cast against the resolution for his removal, which, if cumulatively voted at an election of the full board, would be sufficient to elect one or more directors.

Meeting of directors called.

V. A meeting of the board of directors may be called, as provided for in the by-laws of the corporation. If the by-laws make no provision for such regular or special meetings, or if the last regular meeting provided for has not been held, then any two members of the board may call a meeting by signing a request that the same be called and deliver said request to the secretary of the corporation, who shall forthwith give notice to the board of directors of the time and place of the meeting, which notice shall fix the date thereof at not less than ten days nor more than twenty days after the time the said request is filed. In case the secretary fails to give such notice within ten days after the request has been filed with him, any two directors of the corporation may call such meeting, giving the same notice as herein provided.

Amends
§ 38, ch. 185,
Laws 1933.

SEC. 6. That section 38 of chapter 185 of the Laws of 1933 be amended to read as follows:

Section 38. I. After an amendment has been adopted, articles of amendment shall be prepared in

triplicate originals, setting forth the amendment and the adoption thereof, and shall be signed and sworn to by the president or vice-president and the treasurer or secretary or assistant secretary.

Amendment
of articles.

II. The triplicate originals of the articles of amendment shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment conform to law, he shall put an endorsement of his approval upon each set, and when all taxes, fees and charges therefor have been paid as required by law, he shall file one of such sets in his office and record the same and shall issue a certificate of amendment. Thereupon the amendment shall become effective.

III. The certificate of amendment together with the two remaining sets of the articles of amendment bearing the endorsement of the fact and time of filing in the office of the Secretary of State shall be returned to the corporation. One of the sets of the articles of amendment shall then be filed in the office of the Auditor of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

SEC. 7. That section 41 of chapter 185 of the Laws of 1933 be amended to read as follows:

Amends
§ 41, ch. 185,
Laws 1933.

Section 41. I. If a corporation has authorized the sale, lease, or exchange of all its assets, in accordance with the provisions of section 36, at a time when it is able to meet its liabilities then matured, or has, in accordance with the provisions of sections 37, 38, or 39, authorized an amendment which changes the corporate purposes, extends the duration of the corporation or changes the rights of the holders of any outstanding shares, or has, in accordance with the provisions of section 43, become a party to a merger or consolidation agreement, a shareholder who did not vote in favor of such corporate action, and who, within twenty days after notice of the time,

Assets, sale.

Objection
to corporate
action.

place and purpose of the meeting called to vote upon such corporate action was mailed to him, filed with the corporation his written objection to such corporate action demanding payment for his shares, shall have the right to have his shares appraised and paid for, subject to the provisions of subdivisions II and III of this section. Notice of such meeting shall be deemed mailed to any shareholder as of the day on which such notice is placed in the United States mail, postage prepaid, and addressed to such shareholder at his last known post office address. Any shareholder to whom notice of such meeting was not mailed and who did not vote in favor of such corporate action, and who, within twenty days after the date upon which such corporate action was authorized, filed with the corporation his written objection to such corporate action demanding payment for his shares, shall have the right to have his shares appraised and paid for, subject to the provisions of subdivisions II and III of this section. Any shareholder who did not vote in favor of such corporate action and who did not within the time allowed him file with the corporation his written objection to such corporate action, demanding payment for his shares shall be bound by such corporate action with like force and effect as though such shareholder had voted in favor of such corporate action.

Valuation of
shares.

II. If, after such a demand by a shareholder, the corporation and the shareholder cannot agree upon the value of the shares at the time such corporate action was authorized, such value shall be ascertained by three disinterested persons, one of whom shall be named by the shareholder, another by the corporation and the third by the two thus chosen. The finding of the appraisers shall be final, and if their award is not paid by the corporation within thirty days after it is made, it may be recovered in

an action by the shareholder against the corporation. Upon payment by the corporation to the shareholder of the agreed or awarded price of his shares, the shareholder shall forthwith transfer and assign the shares held by him at, and in accordance with, the request of the corporation.

III. A shareholder shall not be entitled to payment for his shares under the provisions of this section unless the value of the corporate assets which would remain after such payment would be at least equal to the aggregate amount of its debts and liabilities exclusive of capital stock.

SEC. 8. That section 47 of chapter 185 of the Laws of 1933 be amended to read as follows:

Amends
§ 47, ch. 185,
Laws 1933.

Section 47. When a corporation has become a party to a merger or consolidation agreement as hereinbefore provided and any dissenting shareholder has had his shares valued as provided in section 41, the liability of such corporation to such dissenting shareholder for the value of his shares so agreed upon or awarded shall also be a liability of the surviving or new corporation, as the case may be.

Rights of
dissenting
shareholder.

SEC. 9. That section 49 of chapter 185 of the Laws of 1933 be amended to read as follows:

Amends
§ 49, ch. 185,
Laws 1933.

Section 49. I. Voluntary proceedings for dissolution may be instituted whenever a resolution therefor is adopted by the holders of at least two-thirds of the voting power of all shareholders at a shareholders' meeting duly called for the purpose.

Voluntary
dissolution.

II. The resolution may provide that the affairs of the corporation shall be wound up out of court, in which case the resolution must designate a trustee or trustees to conduct the winding up, but such appointment shall not be operative until

a. duplicate copies of such resolution have been signed and acknowledged by a majority of the di-

rectors or by shareholders holding a majority of the voting power of all shareholders, and

b. one of such copies has been filed for record in the office of the Secretary of State and the other copy filed in the office of the Auditor of the county in which the corporation has its registered office.

III. The resolution may provide that the affairs of the corporation shall be wound up under the supervision of the court, in which case the resolution shall authorize certain directors or shareholders to sign and present a petition to the court praying that the corporation be wound up and dissolved under the supervision of the court.

IV. Where a corporation is being wound up and dissolved out of court, the trustee or trustees appointed by the shareholders, or a majority of them, may by petition apply to the court to have the proceedings continued under the supervision of the court, and thereafter the proceedings shall continue as if originally instituted subject to the supervision of the court.

SEC. 10. That section 59 of chapter 185 of the Laws of 1933 be amended to read as follows:

Section 59. I. When a corporation has been completely wound up, the court, if the proceeding is subject to the supervision of the court, shall make an order declaring the corporation to be dissolved; and if the proceeding is out of court, the trustee or trustees shall sign and acknowledge a certificate stating that the corporation has been completely wound up and is dissolved.

II. Said order or certificate of dissolution shall be delivered to the Secretary of State, who shall file the same for record in his office without charge, and thereupon the corporate existence shall terminate.

III. A duplicate copy of said order or certificate of dissolution shall be filed in the office of the Auditor of the county in which the corporation had its last registered office.

Amends
§ 59, ch. 185,
Laws 1933.

Order of
dissolution.

Certificate of
dissolution.

IV. Any assets inadvertently or otherwise omitted from the winding up shall vest in the trustee or trustees, or receiver or receivers, for the benefit of the persons who would have been entitled if they had been in his hands before the dissolution of the corporation, and shall be distributed accordingly.

Omitted assets.

SEC. 11. Certificates of stock and the shares represented thereby standing in the name of a married woman may be transferred by her, her agent or attorney, without the signature of her husband, in the same manner as if such married woman were a femme sole. All dividends payable upon any shares of a corporation standing in the name of a married woman shall be paid to such married woman, her agent or attorney, in the same manner as if she were unmarried, and it shall not be necessary for her husband to join in a receipt therefor; and any proxy or power given by a married woman, touching any shares of any corporation standing in her name, shall be valid and binding without the signature of her husband, the same as if she were unmarried.

Status of married woman.

SEC. 12. Section 11 of this act is hereby added to chapter 185 of the Laws of 1933 and numbered 21½ thereof.

Adds § 21½ to ch. 185, Laws 1933.

SEC. 13. Every corporation hereafter organized under this act shall, within thirty days after it shall have filed its articles of incorporation with the County Auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or State of Washington shall, within thirty days after its annual meeting and at such additional times as it may elect, file with the Secretary of State and with the County Auditor of the county in which said corporation has its registered office a statement, sworn to by its president and attested by its secretary and sealed with its corporate seal, containing a list of all its directors and officers and their

List of officers and directors filed.

Failure to
comply.

respective titles of office, names and addresses, and the term of office for which they have been chosen. The Secretary of State shall file such statement in his office without charge. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the Secretary of State. Upon such service being made, the Secretary of State shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

Adds § 32½
to ch. 185,
Laws 1933.

SEC. 14. Section 13 of this act is hereby added to chapter 185 of the Laws of 1933 and numbered 32½ thereof.

Redemption
of preferred
shares.

SEC. 15. Where the provisions heretofore or hereafter adopted by the corporation under which preferred shares are issued provide for the calling in or redemption of such preferred shares, or any part thereof, it shall be lawful for the corporation to call in, redeem and retire the same in accordance with such provisions by filing for record in the office of the Secretary of State, and filing a copy thereof in the office of the Auditor of the county in which the corporation has its registered office, a certificate signed and sworn to by the president or vice-president and the treasurer or secretary or assistant secretary of the corporation, showing compliance with the provisions adopted by the corporation concerning the calling in or redemption of such preferred shares and also showing the financial condition of the corporation, the number and description of shares called in or redeemed, the total number of shares which the corporation will thenceforth be authorized to have, the number of shares having a par value and the par value thereof and the number of shares that have

no par value, and if shares are divided into more than one class, a description of the classes and a statement of the number of shares in each class. Such shares may not be called in or redeemed and retired if they reduce the fair value of the assets of the corporation to an amount less than the total amount of its debts and liabilities plus the amount of its capital stock as so reduced. If such shares are called in or redeemed, they shall be cancelled and retired and the foregoing certificate shall recite such fact, and when such certificate is recorded and filed as aforesaid the capital of the corporation shall be deemed to be and thereby be reduced by the amount thereof so applied to such redemption represented by the shares so redeemed, and the recording and filing of such certificate shall further constitute an amendment to the articles of incorporation effecting a reduction in the authorized number of shares of the corporation by the elimination therefrom of the shares so retired: *Provided*, That no reduction of capital stock shall be effective or valid unless it complies with subdivision 3 of section 40.

SEC. 16. Section 15 of this act is hereby added to chapter 185 of the Laws of 1933 and numbered 40 $\frac{1}{2}$ thereof.

Adds § 40 $\frac{1}{2}$
to ch. 185,
Laws 1933.

SEC. 17. I. That one or more of the trustees of any corporation organized under the laws of the State of Washington and which has heretofore been, or which may hereafter be, dissolved in the manner provided by law, whether such trustee, or trustees be of those selected by the stockholders and serving at the time of dissolution, or those appointed by the superior court to wind up the affairs of the corporation, may, and are hereby authorized and empowered to make any deed or instrument in writing necessary to convey of record, explain, or confirm the title to any lands theretofore sold by such corporation, or acquired by judicial proceedings to which

Trustee's
deed.

such corporation was or may be a party, and which lands are in the possession of the vendee, or purchaser through such judicial proceedings, their successors or assigns, at the time of the making of such deed or other instrument.

Valid conveyance.

II. That any deed heretofore, or which may be hereafter executed by a trustee, or trustees of a dissolved corporation, whether executed directly to a purchaser or vendee of such corporation, or to one claiming title and possession by, through or under it, shall be valid to convey, explain, and confirm in the grantee all the right, title and interest of such corporation at the time of its dissolution.

Adds § 59½ to ch. 185, Laws 1933.

SEC. 18. Section 17 of this act is hereby added to chapter 185 of the Laws of 1933 and numbered 59½ thereof.

Repeal.

SEC. 19. That sections 2447, 2423, 2424, 2426, 2427, 2428, 2429, 2431, 2432, 2435, 2436, 2437, 2441, 2444 and 2449 of the Code of Washington Territory of 1881 (sections 3804, 3808, 3809, 3813, 3814, 3815, 3819, 3821, 3822, 3826, 3827, 3828, 3833, 3835 and 11571 respectively, of Remington's Revised Statutes);

Section 2430 of the Code of Washington Territory of 1881 as amended by the Laws of 1885-6, page 85, section 2 (section 3820 of Remington's Revised Statutes);

Chapter XXXV (35) of the Laws of 1891, page 73 (section 3811 of Remington's Revised Statutes);

Chapter CXVIII (118) of the Laws of 1893, page 279 (section 3825 of Remington's Revised Statutes);

Chapter CXXVII (127) of the Laws of 1895, page 338 (section 3803 of Remington's Revised Statutes);

Section 2 of chapter CXLII (142) of the Laws of 1895, page 356 (section 3818 of Remington's Revised Statutes);

Chapter CVI (106) of the Laws of 1899, page 174 (section 3830 of Remington's Revised Statutes);

Chapter 84 of the Laws of 1903, page 124 (section 3806 of Remington's Revised Statutes);

Chapter 93 of the Laws of 1903, page 141 (section 3829 of Remington's Revised Statutes);

Chapter 109 of the Laws of 1905, page 215 (section 3807 of Remington's Revised Statutes);

Chapter 27 of the Laws of 1905, page 51 (section 3810 of Remington's Revised Statutes);

Chapter 107 of the Laws of 1907, page 205 (section 3816 of Remington's Revised Statutes);

Chapter 80 of the Laws of 1911, page 379 (section 3824 of Remington's Revised Statutes);

Sections 1, 2 and 3 of chapter 172 of the Laws of 1919, pages 512-516 (sections 3812, 3831 and 3832 of Remington's Revised Statutes);

Chapter 39 of the Laws of 1923, page 102 (section 3817 of Remington's Revised Statutes);

Section 2 of chapter 168 of the Laws of 1923, pages 543-4 (section 3823 of Remington's Revised Statutes);

Sections 1 and 2 of chapter 105 of the Laws of 1923, page 288 (sections 3833-1 and 3833-2 of Remington's Revised Statutes);

Chapter 87 of the Laws of the Extraordinary Session of 1925, pages 112-116 (section 3805 of Remington's Revised Statutes);

Chapter 206 of the Laws of 1927, page 301 (section 3819-1 of Remington's Revised Statutes); and

Chapter 169 of the Laws of 1927, pages 188-189 (section 3834 of Remington's Revised Statutes); are hereby repealed: *Provided*, That the repeal of said acts or parts of said acts shall not be construed to revive any former act or part of an act amended or repealed by any thereof.

Prior
acts not
revived.

Passed the House February 25, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 144.

[H. B. 287.]

EXCHANGE OF LANDS BETWEEN STATE
AND STEVENS COUNTY.

AN ACT authorizing the exchange of state lands for lands owned by Stevens County, State of Washington; amending section 1, chapter 86, of the Session Laws of 1937; and declaring that this act shall take effect immediately.

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

Amends
§ 1, ch. 86,
Laws 1937.

SECTION 1. That section 1, chapter 86 of the Session Laws of 1937 is hereby amended to read as follows:

Forestry
building
site.

Section 1. For the purpose of securing a site upon which to construct a new forestry building in the City of Colville in Stevens County, Washington, the State Forest Board is hereby authorized to enter into an exchange with the City of Colville whereby said Board will transfer to said City of Colville lot 23, block 17 of Spokane Addition to the City of Colville, Washington, which property was acquired by the State of Washington through warranty deed dated January 22, 1931, and recorded on page 559, book 85, record of deeds of Stevens County, Washington, in exchange for lots 1, 2, 3 and 4, block 6, Chandlers Addition to the Town of Colville. The chairman and secretary of said Board, with the advice and approval of the Attorney General, are hereby authorized to execute such agreements, writings, relinquishments or deeds as are necessary or proper for the purpose of carrying this exchange into effect.

Effective
immediately.

SEC. 2. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Passed the House March 3, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 145.

[H. B. 298.]

STATE DEPOSITS IN CLOSED BANKS.

AN ACT relating to finance; authorizing the State Treasurer to close an outstanding balance carried in his cash account as deposits in closed banks; appropriating \$33,570.29 from the "deposit interest fund," as and when available, to the State Treasurer; and providing that any further dividends from closed banks be credited to the "deposit interest fund."

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

SECTION 1. That whereas there is outstanding on the State Treasurer's books from previous administrations an item of \$33,570.29 denominated "deposits in closed banks", which item shows a false balance, in that said funds are not available in cash, there is hereby appropriated from any funds available in the "deposit interest fund" the sum of \$33,570.29 as and when such funds are available. The State Auditor is directed to issue a warrant to the State Treasurer therefor; the State Treasurer shall then charge off the item \$33,570.29 carried as deposits in closed banks. Any future dividends from such closed banks shall be credited to the "deposit interest fund".

Appropriation.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 146.

[H. B. 299.]

STATE DEPOSITARIES.

AN ACT relating to depositaries of public funds, and amending section 2 of chapter 139 of the Laws of 1935 (section 5549 of Remington's Revised Statutes.)

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

Amends
§ 5549, Rem.
Rev. Stat.

SECTION 1. That section 2 of chapter 139 of the Laws of 1935 (section 5549 of Remington's Revised Statutes) be amended to read as follows:

State
depositaries.

Section 2. Every state depositary, before it shall be entitled to receive any state moneys, shall deposit with the State Treasurer securities hereinafter enumerated as collateral and pledge for the payment on demand or at a specified future date, to him or his order, free of exchange at any place designated by him, of all such moneys deposited with it and of interest thereon at the rate fixed by the State Finance Committee, if there has been no default in the payment of principal or interest thereon; (1) bonds, notes or other obligations constituting a general obligation of the United States, or any state thereof, or of the Home Owners Loan Corporation, a corporation organized under and by virtue of authority created in H. R. 5240, designated the Home Owners Loan Act of 1933, passed by the Congress of the United States, or for the bond of any other corporation which is or may be created by the United States as a governmental agency or instrumentality, or any other bond issued by the State of Washington; (2) direct and general obligation bonds, notes or warrants issued by any county, city, school district or port district of the State of Washington or of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof; (3) bonds of any

Collateral
enumerated.

municipality of the State of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city; (4) domestic railway, industrial and public utility bonds currently quoted on the New York stock exchange; and (5) local improvement bonds and warrants issued under chapter 26 of title 60 of this code (Rem. 1927, Supp. 9351-1, et seq.): *Provided, however,* That the state finance committee Bond. may accept from any depositary a good and sufficient bond of a surety company authorized to do business in the state, to be approved by said finance committee, as security and pledge for the payment on demand or at a specified future date to the State Treasurer or his order, free of exchange, at any place in this state designated by said Treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by said state finance committee, which bond shall be at least equal to the amount of the moneys to be received by said depositary of said state.

The finance committee may require the State Auditor or the Supervisor of Banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depositary, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which may have been designated as such depositary, the expense of such investigation to be borne by the depositary examined. Investigation and report.

Passed the House March 3, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 147.

[H. B. 312.]

STATE LAW LIBRARIAN.

AN ACT relating to the State Law Librarian; prescribing his duties; and amending section 1 of chapter 32 of the Laws of 1907 (section 8209 of Remington's Revised Statutes).

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

Amends
§ 8209 Rem.
Rev. Stat.

SECTION 1. That section 1 of chapter 32 of the Laws of 1907 (section 8209 of Remington's Revised Statutes) is hereby amended to read as follows:

Section 1. The Assistant State Librarian who has charge of the law department of the state library shall hereafter be entitled and known as the State Law Librarian. He shall hold his office by appointment of and at the pleasure of the Supreme Court. It shall be his duty to make semi-annual reports to the judicial council recommending the deletion, amending, or changing of any and all obsolete laws or statutes that now appear on the laws and statutes of the State of Washington. The first such report shall be made at the convening of the legislature in January of 1941 and every biennium thereafter.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 148.

[H. B. 314.]

UNCLAIMED PERSONAL PROPERTY.

AN ACT authorizing cities of the first and second class to sell unclaimed personal property in the possession of their police authorities; fixing the manner and sale thereof, and providing for the disposal of the proceeds of such sale; and amending sections 1, 3 and 4 of chapter 100 of the Laws of 1925, Extraordinary Session (sections 8999-1, 8999-3 and 8999-4 of Remington's Revised Statutes).

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

SECTION 1. Section 1 of chapter 100 of the Laws of 1925, Extraordinary Session (section 8999-1 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 8999-1 Rem.
Rev. Stat.

Section 1. Whenever any personal property shall come into the possession of the police authorities of any city of the first or second class in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of six months from date of written notice to the owner thereof, if known, and in all other cases for a period of six months from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after six months from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided.

Sale of
unclaimed
personal
property in
possession
of police.

SEC. 2. Section 3 of chapter 100 of the Laws of 1925, Extraordinary Session (section 8999-3 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 8999-3 Rem.
Rev. Stat.

Application
of proceeds.

Section 3. The moneys arising from sales under the provisions of this act shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of said personal property and the balance, if any, shall be paid into the Police Pension Fund of said city if such fund exists; otherwise into the City Current Expense Fund.

Amends
§ 8994-4 Rem.
Rev. Stat.

SEC. 3. Section 4 of chapter 100 of the Laws of 1925, Extraordinary Session (section 8999-4 of Remington's Revised Statutes) is hereby amended to read as follows:

Owner
may recover
within
three years.

Section 4. If the owner of said personal property so sold, or his legal representative, shall, at any time within three years after such money shall have been deposited in said Police Pension Fund or the City Current Expense Fund, furnish satisfactory evidence to the Police Pension Fund Board or the City Treasurer of said city of the ownership of said personal property he or they shall be entitled to receive from said Police Pension Fund or City Current Expense Fund the amount so deposited therein with interest.

Passed the House March 2, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 149.

[H. B. 342.]

DISORGANIZATION OF IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, and providing for the disorganization and liquidation of such districts which have been in existence for more than twenty (20) years without furnishing irrigation and have no bonded indebtedness.

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

SECTION 1. Any irrigation district of the State of Washington, now existing or hereafter organized, which has no bonded indebtedness outstanding, and which has been in existence for more than twenty (20) years without having secured the irrigation of any of its lands, may be disorganized and its business and affairs liquidated and wound up in the manner hereinafter provided.

District may be disorganized, when.

SEC. 2. A petition signed by twenty-five (25) or more holders of title or evidence of title to lands within said district who shall be qualified electors, reciting the fact that said district has no bonded indebtedness, has been in existence for more than twenty (20) years, and has secured no irrigation for any of its lands, and praying that said district be disorganized under the provisions of this act, shall be delivered to the secretary of the board of directors of said district or to one of the directors thereof.

Petition.

SEC. 3. Upon the delivery of said petition, as aforesaid, the board of directors of said district, the secretary thereof, and all other officials provided by law, shall call, notice, conduct and canvass an election, and if three-fifths of the votes cast at said election are in favor of the disorganization of the district, shall proceed with the disorganization of the district, all in the manner, with the same powers and with the same force and effect and in accordance with sections 3 to 5, both inclusive, of chapter 79,

Election.

Laws of 1897 (sections 7528 to 7530, both inclusive, of Remington's Revised Statutes).

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 150.

[H. B. 343.]

INCLUSION OF LANDS BY IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts comprising within their boundaries two hundred thousand (200,000) or more acres of land; authorizing the inclusion of lands within the operation of such districts; outlining certain procedure, and prescribing official duties and powers with respect thereto.

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

Petition for inclusion.

SECTION 1. Whenever five or a majority of the holders of title to or evidence of title to any land susceptible of irrigation from the water supply and system of works of any irrigation district in this state, comprising within its boundaries two hundred thousand (200,000) or more acres of land now existing or hereafter organized, desire to have such land included in said irrigation district, they may file a petition, in writing, with the board of directors thereof praying that such land be included in such district.

Notice of hearing.

SEC. 2. Upon the filing of the petition, the board shall fix a time and place for the hearing of the same which shall not be less than thirty (30) days and not more than forty-five (45) days from the date of said filing; and the board shall cause a notice of such hearing to be published prior to said hearing in three consecutive weekly issues of the official newspaper of each county in which any of said land prayed to be included is situated.

SEC. 3. Said notice shall state the filing of the petition, describe generally the lands petitioned to be included within the operation of the district and the prayer of the petition and shall notify all persons interested in or that may be affected by such inclusion to appear at the time and place named in the notice, and show cause in writing, if any they have, why such lands or any part of the same should not be included within operation of the district. Such notice shall have the name of the secretary and of the district either subscribed or sub-printed thereto.

SEC. 4. The board of directors of the district shall meet at the time and place specified in the notice and shall have full authority to determine all matters pertaining to the petition, including the denial as well as the granting of said petition or any part thereof; and if it appears at said hearing, or at any adjournment thereof which may be had not to exceed in all thirty (30) days, that the land or any portion thereof petitioned to be included within the district, is susceptible of irrigation from the water supply and system of works of the said district and will be benefited by such irrigation; and if at said hearing or at any adjournment thereof as aforesaid, not more than fifty per cent (50%) of the holders of title or evidence of title to the lands described in the petition and proposed to be included file their objections in writing to the inclusion of such land within the time and as in this act provided, the said board shall make and enter in the records of their proceedings an order including said land, or such portion thereof as in their judgment is susceptible of irrigation and will be benefited as aforesaid, within the operation of said district.

SEC. 5. If at said hearing or at any adjournment thereof, the board of directors shall determine that said land is not susceptible of irrigation and will not be benefited as aforesaid by inclusion in the district,

or if more than fifty per cent (50%) of the holders of title to or evidence of title to the land described in the petition file their objections in writing within the time and as aforesaid, then the board of directors shall deny said petition and shall make and enter in the records of their proceedings an order to that effect.

Certified
copy of order
filed.

SEC. 6. A certified copy of the order of the board of directors including any lands within the operation of the district under the provisions of this act shall be filed with the county assessor and with the county auditor of each county in which any part of such included lands is situated, and from and after the date of such filing such land shall be subject to all the obligations and entitled to all the privileges of lands within the operation of the district.

Passed the House February 24, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 151.

[H. B. 401.]

SALT CREEK STATE PARK.

AN ACT relating to state parks and establishing the Salt Creek State Park in Clallam County.

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

SECTION 1. That lots 1, 2, 3, 4 and 5 of section 21, and lots 1, 2, 3, 4 and 5 of section 20, containing in all 310.20 acres, in township 31, north of range 8, west of the Willamette Meridian, in Clallam County, Washington, together with the tidelands bordering on said lots, are hereby set aside as a state park to be known as the Salt Creek State Park and to be

under the supervision and control of the state park committee.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 152.

[H. B. 415.]

SALE OF REAL PROPERTY BY STATE MILITARY DEPARTMENT.

AN ACT relating to the State Military Department and providing for the sale of certain real property, and making an appropriation of funds realized therefrom.

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

SECTION 1. The Adjutant General of the state may sell the following described real property in the manner, on such terms and conditions, and for such amount as he shall deem advisable and proper; to-wit, lots five (5) and eight (8), block seventy-five (75) Sylvester's Plat of Olympia, Thurston County, Washington.

SEC. 2. Any instrument or instruments necessary in effecting the sale of and conveying of title to such real property shall be executed by the Governor on behalf of the State of Washington in form approved by the Attorney General. Conveyance.

SEC. 3. The amount received from the sale of said premises is hereby appropriated for the use of the military department for the improvement of the new armory site at Olympia, Washington. Appropriation.

Passed the House March 3, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 153.

[H. B. 426.]

TESTING VALIDITY OF MUNICIPAL BONDS.

AN ACT providing for actions to test the validity of bonds to be issued by counties, cities, school districts, or other municipal corporations or taxing districts.

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

Municipal bonds.

SECTION 1. Whenever the legislative or governing body of any county, city, school district or other municipal corporation or taxing district, shall desire to issue bonds and shall have passed an ordinance or resolution authorizing the same, the validity of such proposed bond issue may be tested and determined in the manner provided in this act.

Proceedings for testing validity.

SEC. 2. A complaint shall be prepared and filed in the superior court by such county, city, school district or other municipal corporation or taxing district, setting forth such ordinance or resolution and that it is the purpose of the plaintiff to issue and sell bonds as stated therein and that it is desired that the right of the plaintiff to so issue such bonds and sell the same shall be tested and determined in said action. In said action all taxpayers of such taxing district shall be deemed to be defendants and shall be named in the title of said action as defendants with the words "The Taxpayers of(naming the taxing district), Defendants." Upon the filing of the complaint the court shall, upon the application of the plaintiff, enter an order naming one or more taxpayers of such taxing district upon whom service in said action shall be made as the representative of all taxpayers of said district, except such as may intervene as herein provided, and in such case the court shall fix and allow a reasonable attorney's fee in said action to the attorney who shall represent the repre-

sentative taxpayer or taxpayers as aforesaid, and such fee and all taxable costs incurred by such representative taxpayer or taxpayers shall be taxed as costs against the plaintiff: *Provided*, That if the taxpayer or taxpayers appointed by the court shall default, the court shall appoint an attorney who shall defend said action on behalf of all taxpayers, and such attorney shall be allowed a reasonable fee and taxable costs to be taxed against the plaintiff: *Provided further*, That any taxpayer may intervene in such action and be represented therein by his own attorney.

SEC. 3. The court in such action shall enter its judgment determining whether or not the bonds as proposed will be valid, and if the court finds that a portion, but not all, of the said bond issue is authorized by law, the court shall so declare, and find by its judgment what portion of such bond issue will be valid, and the judgment in said action shall be binding upon all taxpayers.

SEC. 4. Except as otherwise herein provided, all the provisions of the Laws of Washington relating to declaratory judgments shall apply to the action herein provided for. The remedy herein provided shall be in addition to other remedies now provided by law.

Passed the House February 27, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 154.

[H. B. 471.]

NEGLIGENT OPERATION OF MOTOR VEHICLES.

AN ACT relating to public highways and motor vehicles and the operators thereof; providing for an offense of negligent operation; defining terms; amending chapter 189, Session Laws of 1937, by adding thereto a new section to be known as section 118½; and declaring an emergency and that this act shall take effect the first day of April, 1939.

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

Adds § 118½
to ch. 189,
Laws 1937.

SECTION 1. That chapter 189, Session Laws of 1937, be and the same is hereby amended following section 118 and before section 119 thereof, by adding thereto a new section to be known as section 118½, reading as follows:

Negligent
operation of
vehicles.

Section 118½. It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

Operating
vehicle
in reckless
manner.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: *Provided*, The Director of Licenses shall not revoke any license under this act.

Effective
date.

SEC. 2. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of

Washington and its existing institutions, and shall take effect on the first day of April, 1939.

Passed the House March 3, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 155.

[H. B. 521.]

TAX UPON IMPROVEMENTS OWNED SEPARATELY FROM FEE.

AN ACT relating to taxation; authorizing the segregation and separate payment of tax upon improvements owned separately from the fee as a part of which they have been assessed; and prescribing the duties of certain county officers in connection therewith.

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

SECTION 1. In any case where buildings, structures or improvements are held in separate ownership from the fee as a part of which they have been assessed for the purpose of taxation, any person desiring to pay separately the tax upon the buildings, structures or improvements may do so under the provisions of this act.

Improvements owned separately from land, tax payments.

SEC. 2. Such person may apply to the county assessor for a certificate showing the total assessed value of the land together with all buildings, structures or improvements located thereon and the assessed value of the building, structure or improvement the tax upon which the applicant desires to pay. It shall be the duty of the county assessor to issue such certificate of segregation upon written application accompanied by an affidavit attesting to the fact of separate ownership of land and improvements. Upon presentation of such certificate of segregation to the county treasurer, that officer shall

Certificate of segregation.

segregate the total tax in accordance therewith and accept and receipt for the payment of that proportion of total tax which is shown to be due against any building, structure or improvement upon which the applicant desires to pay.

Tax liens not released.

SEC. 3. A segregation or payment under this act shall not release the land or the building, structure or improvement paid on from any tax lien to which it would otherwise be subject.

Passed the House March 3, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 156.

[H. B. 561.]

UNIVERSITY TUITION FEES.

AN ACT relating to the University of Washington tuition fees and amending section 2 of chapter 169 of the Laws of 1933 (section 4547 of Remington's Revised Statutes) and declaring an emergency.

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

Amends
§ 4547 Rem.
Rev. Stat.

SECTION 1. Section 2 of chapter 169 of the Laws of 1933 (section 4547 of Remington's Revised Statutes) is amended to read as follows:

Fees paid
into state
treasury.

Section 2. All general tuition fees mentioned in subdivision (a) of section 1 of chapter 169 of the Laws of 1933 (section 4546 of Remington's Revised Statutes) shall, within thirty-five (35) days from the date of collection thereof, be paid into the state treasury and by the State Treasurer shall be credited as follows: Ten dollars (\$10.00) from each student to the "University of Washington building fund" and the balance to the "University of Washington fund." The sum so credited to the "University of Washington building fund" shall be used exclusively for the

purpose of erecting, altering, maintaining, equipping or furnishing buildings constructed under the act of March 15, 1915, being chapter 66 of the Laws of 1915 and the acts amendatory thereto: *Provided*, That no sum mentioned in this section shall be credited to the "University of Washington building fund" for the two (2) years next succeeding the date when this act becomes effective, but such sum shall be instead credited to the "University of Washington fund" and shall be expended by the board of regents of the University of Washington for capital outlays, major repairs, betterments, operations and maintenance, including salaries and wages, and for other expenses incident to the operation and maintenance of the University of Washington.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House March 3, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 157.

[S. S. B. 23.]

STATE TIDE OR SHORE LANDS CONVEYED TO CITIES FOR PARK PURPOSES.

AN ACT relating to the conveyance of state owned tide or shore lands to cities and towns and metropolitan park districts for municipal park and/or playground purposes and the securing of the same where necessary by exchanging state owned tide or shore lands therefor and authorizing the Director of Conservation and Development to assist in the development and decoration thereof.

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

SECTION 1. Whenever application is made to the Commissioner of Public Lands by any incorporated

Tide or shore lands for park purposes.

city or town or metropolitan park district for the use of any state owned tide or shore lands within the corporate limits of said city or town or metropolitan park district for municipal park and/or playground purposes, he shall cause such application to be entered in the records of his office, and shall then forward the same to the Governor, who shall appoint a committee of five (5) representative citizens of said city or town, in addition to the Commissioner of Public Lands and the Director of Conservation and Development, both of whom shall be ex-officio members of said committee, to investigate said lands and determine whether they are suitable and needed for such purposes; and, if they so find, the Land Commissioner shall certify to the Governor that the property shall be deeded to the said city or town or metropolitan park district and the Governor shall then execute a deed in the name of the State of Washington, attested by the Secretary of State, conveying the use of such lands to said city or town or metropolitan park district for said purposes for so long as it shall continue to hold, use and maintain said lands for such purposes.

Deed.

Exchange of lands.

SEC. 2. In the event there are no state owned tide or shore lands in any such city or town or metropolitan park district suitable for such purposes and the committee finds other lands therein which are suitable and needed therefor, the Commissioner of Public Lands is hereby authorized to secure the same by exchanging state owned tide or shore lands in the same county of equal value therefor, and the use of the lands so secured shall be conveyed to any such city or town or metropolitan park district as provided for in section 1 of this act. In all such exchanges the Commissioner of Public Lands shall be and he is hereby authorized and directed, with the assistance of the Attorney General, to execute such agreements, writings, relinquishments and deeds as

are necessary or proper for the purpose of carrying such exchanges into effect. Upland owners shall be notified of such state owned tide or shore lands to be exchanged.

SEC. 3. The Director of Conservation and Development, in addition to serving as an ex-officio member of any such committee, is hereby authorized and directed to assist any such city or town or metropolitan park district in the development and decoration of any lands so conveyed and to furnish trees, grass, flowers and shrubs therefor. Development
of lands.

Passed the Senate February 23, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 158.

[S. B. 25.]

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.

AN ACT relating to the giving of proof of financial responsibility by owners and operators of motor vehicles, providing penalties for certain offenses.

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

SECTION 1. That the following words and phrases, wherever used in this act, shall have the meaning as in this act ascribed to them, unless where used the context thereof shall clearly indicate to the contrary. Definitions.

SEC. 2. "Director." The Director of Licenses of the State of Washington or any duly authorized assistant. "Director."

SEC. 3. (a) "Person." Every natural person, firm, copartnership, association or corporation. "Person."

(b) "Operator." Every person who is in actual "Operator."

physical control of a motor vehicle upon a public highway.

“Registra-
tion
certificate.”

(c) “Registration Certificate” shall mean the registration certificate for a motor vehicle issued by the Director of Licenses of this state.

“Owner.”

(d) “Owner.” A person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

“Non-
resident.”

(e) “Non-resident.” Any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety (90) days in any one (1) year.

“Vehicle.”

SEC. 4. (a) “Vehicle.” Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

“Motor
vehicle.”

(b) “Motor Vehicle.” Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

“Street or
highway.”

SEC. 5. “Street or Highway.” The entire width between boundary lines of every way or place, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

“State.”

SEC. 6. “State.” Any state of the United States, the District of Columbia, or any province of the Dominion of Canada.

(b) "Revoke." In all its forms shall mean the invalidation and cancellation for a period of one calendar year and thereafter until reissue. "Revoke."

(c) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstated. "Suspend."

(d) "Cancel." In all its forms shall mean the invalidation and cancellation for an indefinite period and until on proper application new privilege is granted. "Cancel."

(e) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state. "Peace officer."

SEC. 7. DIRECTOR TO ADMINISTER ACT. (a) The Director shall administer and enforce the provisions of this act. Administration of act.

(b) The Director is hereby authorized to adopt and enforce such rules and regulations as may be necessary for the administration of this act.

SEC. 8. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (a) The motor vehicle operator's license, and all of the motor vehicle registration certificates of any person shall be suspended forthwith without notice or hearing by the Director whenever such person shall by final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bail or collateral deposited to secure his appearance for trial as defendant (where such forfeiture shall not have been vacated) for any offense hereafter committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require suspension or revocation of the licenses of such person in this state. License suspended when.

(b) Such operator's license and registration certificates shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person (including any such person not previously licensed who shall by final order or judgment have been convicted of, pleaded guilty to or forfeited any bail or collateral deposited to secure his appearance for trial, where such forfeiture shall not have been vacated, for any such offense or for operating a motor vehicle upon the public highways without being licensed to do so, or for operating an unregistered motor vehicle upon the public highways), nor shall any motor vehicle be thereafter registered in the name of such person until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least \$5,000, and, subject to the aforesaid limit for any one person injured or killed, of at least \$10,000 for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least \$1,000 resulting from any one accident.

Proof of ability to respond in damages.

(c) Such proof in said amounts shall be furnished for each motor vehicle registered by such person.

Suspension upon failure to satisfy judgment.

SEC. 9. PROOF REQUIRED IN THE EVENT OF CERTAIN JUDGMENTS. The motor vehicle operator's license and all of the registration certificates of any person shall (except as provided in section 12) be forthwith suspended by the Director upon receiving from the court in which rendered a certificate, in the form prescribed by the Director, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which

appeal might have been perfected, or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any District Court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of \$100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle.

SEC. 10. SUSPENSION EFFECTIVE UNTIL JUDGMENT SATISFIED AND PROOF GIVEN OF FINANCIAL RESPONSIBILITY. Such operator's license and registration certificates shall remain so suspended and shall (except as provided in section 12) not be renewed, nor shall any such license be issued to such person nor shall any motor vehicle be thereafter registered in the name of such person (including any such person not previously licensed) while any such judgment remains unstayed, unsatisfied and subsisting nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of his ability to respond in damages as required in this act, for future accidents. If, after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such licenses and certificates shall again be and remain suspended, and no other such license or certificates shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

Suspension effective until judgment satisfied.

SEC. 11. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS OF ACT. Every judgment herein referred to shall, for the purposes of this act, be deemed satisfied:

Satisfaction of judgment.

(1) When \$5,000 has been credited upon any

judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to said limit of \$5,000 as to one person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

(3) When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of \$100 as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this act.

Payment of
judgment in
installments.

SEC. 12. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS. (a) A judgment debtor to whom this act applies may, for the sole purpose of giving authority to the Director to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payments of such installments, the Director, upon his giving proof of ability to respond in damages for future accidents, as herein provided, shall restore his license and registration certificates; but such license and certificates shall be suspended, as herein provided, if the judgment debtor has failed to comply with the terms of the court order.

(b) Nothing in this act shall be construed as authority for reinstatement or re-issue of an operator's license by the Director to any operator, whose operator's license has been suspended or revoked by order of any court as a result of violation of any other law of this state, until the expiration of the period for which such operator's license has been suspended or revoked.

(c) The suspension or revocation of the operator's license provided for in this act shall be in addition to and independent of the suspension or revocation of the operator's license by any court as a penalty for violation of any other law of this state.

SEC. 13. DUTY OF COURTS TO REPORT CONVICTIONS AND JUDGMENTS. The clerk of a court or the judge of a court which has no clerk in which any person is convicted of any offense under the laws of this state which requires the Director to suspend or revoke the operator's license of any person shall, when such conviction has become final, or in such other event as stated in section 8 hereof, forthwith forward to the Director a certified record of any judgment for damages, the rendering and non-payment of which judgment requires the Director to suspend the operator's license and registrations in the name of the judgment debtor hereunder, such record to be forwarded to the Director immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this act, as shown by the records of the court.

Courts
to report
convictions
and
judgments to
director.

SEC. 14. REQUIRED SUSPENSION AND PROOF UPON SECOND JUDGMENT NOT SATISFIED. Whenever, after one judgment is satisfied and proof of ability to respond in damages is given as herein required, another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails

Unsatisfied
second
judgment.

to satisfy the latter judgment within the amounts specified herein within 30 days after the same becomes final, then the Director shall again suspend the operator's license of such judgment debtor and the registration of any vehicle registered in the name of such judgment debtor as owner and shall not renew the same and shall not issue to him any operator's license or registration of any vehicle while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

Action
against non-
resident.

SEC. 15. ACTION AGAINST NON-RESIDENT. (a) All of the provisions of this act shall apply to any person who is not a resident of this state, and if such non-resident has been convicted of any offense which would require the suspension or revocation of the license of a resident or if such non-resident has failed to satisfy a judgment within 30 days after the same became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such non-resident shall not operate any motor vehicle in this state nor shall any motor vehicle owned by him be operated within this state by any person and the Director shall not issue to such non-resident any operator's license or register any motor vehicle owned by such non-resident unless and until such non-resident shall give proof of his ability to respond in damages for future accidents and shall satisfy any such judgment, all as required with respect to a resident of this state.

(b) The Director shall transmit a certified copy of any record of any such conviction of a non-resident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the state in which such non-resident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such non-resident which requires suspension or revo-

cation of such non-resident's driving privileges in this state.

SEC. 16. OWNER MAY GIVE PROOF FOR CHAUFFEUR OR MEMBER OF FAMILY. If it shall be duly established to the satisfaction of the Director, (a) that any person, whether a resident or non-resident of this state, who shall have been convicted, pleaded guilty or forfeited bail or collateral, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea or forfeiture was based, a chauffeur or motor vehicle operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family or household of the owner of such motor vehicle, and (b) that there was not, at the time of such offense or subsequent thereto, up to the date of such finding, any motor vehicle registered in this state (or if a non-resident, in the state of his residence) in the name of the person who has been convicted, pleaded guilty or forfeited bail or collateral as aforesaid, then and in that event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages according to the provisions of this act, which proof the Director shall accept, such chauffeur or other person, as aforesaid, shall be relieved of the necessity of giving such proof in his own behalf, so long as he is operating a motor vehicle for which the owner has given proof of his ability to respond in damages.

Owner may give proof of ability to respond in damages for chauffeur or member of family.

SEC. 17. SURRENDER OF LICENSE AND EVIDENCES OF REGISTRATION. Any operator or any owner, whose operator's license or certificate of registration shall have been suspended as herein provided, or whose policy of insurance, or bond, when same is required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other evidence of ability to respond in damages upon request of

Surrender of license and evidences of registration upon suspension.

the Director shall immediately return to the Director his operator's license, certificate of registration and the number plates issued thereunder. If any person shall wilfully fail to return to the Director the operator's license, certificate or certificates of registration and the number plates issued thereunder as provided herein, the Director shall forthwith direct any peace officer to secure possession thereof and to return the same to the office of the Director. Any person wilfully failing to return such operator's license or such certificate or certificates and number plates shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail for not to exceed ninety (90) days, and such penalty shall be in addition to any penalty imposed for any violation of the motor vehicle laws of this state.

Penalty for failure to return operator's license.

Establishment of proof to respond in damages.

SEC. 18. ESTABLISHMENT OF PROOF. Proof of ability to respond in damages, when required under this act, may be evidenced by any of the following:

(a) The written certificate or certificates of any insurance carrier duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The Director shall not accept any certificate or certificates unless the same shall specify the name, address, and the business, if any, of the insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless the same shall cover all motor vehicles then regis-

tered in this state in the name of the person furnishing such proof. Additional certificates, as aforesaid, shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policies therein cited shall not be cancelled or expire except as hereinafter provided, and that every motor vehicle liability policy therein cited complies with the requirements of this act. The issuance of a certificate to serve as proof of ability to respond in damages under this act shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this act.

If such person be a non-resident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the state in which the insured resides, shall be accepted if such carrier shall (1) execute a power of attorney authorizing the Director to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (2) duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (3) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state. If any foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as hereinbefore required defaults in any of said undertakings or agreements, the Director shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter ten-

Non-resident
persons.

dered, as proof of ability to respond in damages so long as such default continues.

Notice before
cancellation
of policy.

When an insurance carrier has certified a motor vehicle liability policy under this act, it shall give ten (10) days written notice to the Director before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

Surety bond.

(b) A bond executed by the person giving such proof and by a surety company duly authorized to do business in this state, or by the person giving such proof and by two individual sureties, each having clear title to real estate within this state in the amount of such bond, which real estate shall be scheduled therein, and the Director shall not accept any such real estate bond unless it is first approved by a judge of the Superior Court of the State of Washington.

Real estate
bond.

(c) The Director shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

(d) No such bond shall be cancelled unless 10 days prior written notice of cancellation is given the Director but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

(e) Before any said real estate bond is accepted by the Director it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

(f) If a judgment is rendered against the principal of any such surety or real estate bond upon

a liability covered by the conditions of such bond and such judgment is not satisfied within 30 days after it becomes final, then the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons who executed such bond including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

(g) The certificate of the State Treasurer that the person therein has deposited with him a sum of money or collateral for money approved by him in the amounts as specified in sections 8 and 9 of this act. The State Treasurer shall accept any such deposits and issue a certificate therefor, and the Director shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the County Clerk of the county where the depositor resides.

Collateral
deposited
with state
treasurer.

SEC. 19. IF PROOF FAILS DIRECTOR MAY REQUIRE OTHER PROOF. Whenever any evidence of proof of ability to respond in damages filed under the provisions of this act no longer fulfills the purposes for which required, the Director shall, for the purposes of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license and registration certificates pending such proof.

Requirement
of other
proof.

SEC. 20. MONEY OR SECURITIES DEPOSITED AS PROOF OF FINANCIAL RESPONSIBILITY. A bond, money or collateral filed or deposited by or on behalf of any person under the provisions of this act, shall be held by the Director or said Treasurer to satisfy, in accordance with the provisions of this act, any

Money
or securities
deposited.

execution issued against such person on a judgment for damages as aforesaid arising out of the ownership, maintenance, use or operation of a motor vehicle as aforesaid. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution arise out of a suit for damages as aforesaid. Accruals of interest thereon, if any, shall be the property of the depositor and shall be paid over by the State Treasurer to him, or his order as received.

Director
to furnish
operating
record.

SEC. 21. DIRECTOR TO FURNISH OPERATING RECORD. The Director shall upon request furnish any insurance carrier, person or surety a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall fully designate the motor vehicles (if any) registered in the name of such person, and if there shall be no record of any conviction of such person of a violation of any provision of any statute relating to the operating of a motor vehicle or of any judgment rendered against such person as herein provided, the Director shall so certify. The Director shall collect for each such certificate the sum of one dollar (\$1.00).

Such record shall not be admissible as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

Director
to furnish
record of
proof.

SEC. 22. DIRECTOR TO FURNISH RECORD OF PROOF. The Director shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. The Director shall collect for each such report the sum of one dollar (\$1.00).

Motor
vehicle
liability
policy.

SEC. 23. MOTOR VEHICLE LIABILITY POLICY. (a) A motor vehicle liability policy as said term is used

in this act shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

(1) Said policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) Said policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said insured.

(3) Said policy shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of \$5,000.00 for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of \$10,000.00 for bodily injury to or death of all persons as a result of any one accident and the amount of \$1,000.00 for damage to property of others as a result of any one accident.

(b) When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits set forth above and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this act and not otherwise contrary to law.

(e) Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

(f) The Director of Licenses may accept several policies of one or more such carriers which together meet the requirements of this section.

(g) Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

Additional
requisites
of motor
vehicle
liability
policy.

SEC. 24. ADDITIONAL REQUISITES OF MOTOR VEHICLE LIABILITY POLICY. No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless and until all of the following requirements of this section shall be complied with:

(a) Any said form of policy shall specify the name, address, and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this act as respects bodily injury and death or property damage or both and is subject to all the provisions of this act.

(b) Every motor vehicle liability policy accepted as proof under this act and every operator's policy accepted as proof under this act shall be subject to the following provisions whether or not contained therein:

(1) The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by such policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

(2) The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith the amount thereof shall be deductible from the limits of liability specified in the policy.

(3) No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

(4) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(5) The policy, the written application therefor, if any, and any rider or endorsement which does not

conflict with the provisions of this act shall constitute the entire contract between the parties.

Insurance carrier to issue certificate, when.

SEC. 25. WHEN INSURANCE CARRIER TO ISSUE CERTIFICATE. An insurance carrier who has issued a motor vehicle liability policy or policies or any operator's policy meeting the requirements of this act shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the Director of Licenses, an appropriate certificate showing that such policy or policies have been issued, which certificate shall meet the requirements of this act.

Restrictions in operating motor vehicle when certain type of policy issued.

SEC. 26. RESTRICTIONS IN OPERATING MOTOR VEHICLES WHEN CERTAIN TYPE OF POLICY ISSUED. (a) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the Director of Licenses shall designate the above restriction upon the motor vehicle operator's license of such person.

(b) In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restrictions removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him as insured against liability imposed by law upon such insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under section 23 of this act with respect to any other vehicle operated by him and which otherwise complies with the requirements of this act with respect to such type of policy.

Such policy is hereinafter referred to as an operator's policy.

(c) When the person required to give proof of ability to respond in damages is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this act.

SEC. 27. ACT NOT TO AFFECT OTHER POLICIES. Nothing in this act contained shall be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if endorsed to conform to the requirements of this act shall be accepted as proof of ability to respond in damages when required under this act.

Act not to affect other policies.

SEC. 28. TRANSFER AFTER SUSPENSION OF REGISTRATION. If an owner's certificate of registration has been suspended under the provisions of this act, such certificate shall not be transferred nor the motor vehicle, in respect of which such certificate was issued, registered in another name where the Director has reasonable grounds to believe that such transfer or registration is intended to defeat or will have the effect of defeating the purposes of this act: *Provided, however,* That such transfer of registration shall be permitted upon the furnishing of proof of ability to respond in damages to the Director by such transferee whenever the Director shall deem it necessary in furtherance of the purposes of this section.

Transfer after suspension of registration.

SEC. 29. PERSON HAVING GIVEN PROOF MAY SUBSTITUTE OTHER PROOF. The Director shall cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return any money or collateral to the person entitled thereto, upon the acceptance and substitution of other adequate proof of financial responsibility pursuant to this act.

Person having given proof may substitute other proof.

When
director may
release proof.

SEC. 30. WHEN DIRECTOR MAY RELEASE PROOF.

(1) The Director shall, upon request, cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return to the person entitled thereto any money or collateral, deposited pursuant to this act as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

(a) At any time after three years from the date such proof was required: *Provided*, That the person on whose behalf such proof was given has not, during the three years period immediately preceding the request, been convicted of any offense referred to in section 8;

(b) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle;

(c) Upon the filing with the Director by the person on whose behalf such proof of financial responsibility was furnished of an affidavit that he does not own and will not operate any motor vehicle in this state for a period of one year or longer;

(d) In the event the person who has given proof of ability to respond in damages surrenders his operator's license, registration certificates, and registration plates to the Director;

(e) Upon the bona fide removal to another state, or country of the person on whose behalf such proof was filed:

Provided, however, That no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to personal injury, or in respect to damage to property resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle: *And provided, also*, That no notice has been filed with the Director of an acci-

dent involving such person occurring within the three month period immediately preceding such request resulting from the ownership, maintenance, use or operation of a motor vehicle. An affidavit of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Director.

Whenever any person to whom proof has been surrendered, as provided in this section, applies for an operator's license or the registration of a motor vehicle within a period of three years from the date proof of financial responsibility was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

SEC. 31. VOLUNTARY DEPOSIT OF PROOF. (a) Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operation of any motor vehicle within this state by such person shall not be suspended or withdrawn under the provisions of this act if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or accident out of which any conviction, judgment, or order arises and if such proof, at the date of such conviction, judgment, or order is valid and sufficient for the requirements of this act.

Voluntary
deposit of
proof.

(b) If the Director receives record of any conviction, forfeiture of bail or collateral, or judgment against such person which, in the absence of such proof of financial responsibility would have caused the suspension of the operator's license of such person, the Director shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

SEC. 32. OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED. Any person whose operator's license or registration certificate or other privilege to

Operating
without
giving proof.

operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or, in the absence of full authorization from the Director, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway except as permitted hereunder, shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addition thereto a fine of not more than Five Hundred Dollars (\$500.00).

Forgery-
perjury.

SEC. 33. FORGING OR WITHOUT AUTHORITY SIGNING EVIDENCE OF ABILITY TO RESPOND IN DAMAGES. Any person who shall forge, or materially alter, or without authority sign or alter, any proof or evidence of ability to respond in damages, or any affidavit required or referred to in this act, shall upon conviction thereof be guilty of perjury.

Penalties.

SEC. 34. VIOLATIONS AND PENALTIES. (a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

(b) Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

Disposition
of fines.

SEC. 35. DISPOSITION OF FINES. All fines and forfeitures collected for violation of any of the provisions of this act shall be paid into the highway safety fund.

Rights of
plaintiff.

SEC. 36. Nothing in this act contained shall be construed as preventing the plaintiff in any action at law from relying for security upon any other processes provided by law.

SEC. 37. ACT NOT TO REPEAL OTHER MOTOR VEHICLE LAWS. This act shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto. Act supplemental.

SEC. 38. UNIFORMITY OF INTERPRETATION. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. °Uniformity of interpretation.

SEC. 39. SHORT TITLE. This act may be cited as the Uniform Motor Vehicle Safety Responsibility Act. Short title.

SEC. 40. ACT NOT RETROACTIVE. This act shall not have a retroactive effect and shall not apply to any judgment or cause of action arising out of an accident occurring prior to the effective date of this act. Act not retroactive

SEC. 41. That if any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act. Partial invalidity.

Passed the Senate February 8, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 159.

[S. B. 73.]

QUIT CLAIM DEED TO GREAT NORTHERN RAILWAY
COMPANY.

AN ACT authorizing and directing a conveyance by quit-claim deed in behalf of the State of Washington to the Great Northern Railway Company of certain real estate.

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

Quit-claim
deed.

SECTION 1. That the Governor is hereby authorized and directed, in the name of the State of Washington, to execute and deliver a good and sufficient quit-claim deed to the Great Northern Railway Company, which deed shall be attested by the Secretary of State, and is covering the following described real estate situate in Okanogan County, Washington, which real estate is now the property of the State of Washington, and according to agreement, dated September 9th, 1938, between the said State of Washington and the said Great Northern Railway Company, is to be conveyed to the Great Northern Railway Company in exchange for railroad property to be quit-claimed to the State of Washington by said Great Northern Railway Company for right of way purposes on Brewster Vicinity, Section 1, unit of Primary State Highway No. 10:

All those parts of Lot 2, Section 22, Township 30 North, Range 24 East of W. M., Section 15, Township 30 North, Range 24 East, and Section 14, Township 30 North, Range 24 E. W. M., lying within 50 feet at right angles on each side of the following described center line as now located and staked:

Commencing at the intersection of the north line of said Section 22 with the center line of the main track of the railway of the Great Northern Railway Company as now constructed and operated, distant along said north line 2092.2 feet from the northwest corner thereof; thence S. 52° 03' W. along said cen-

ter line 805.4 feet to the true place of beginning; thence, northeasterly along a 1° curve to the right 431.7 feet; thence, No. $56^\circ 22'$ E. 1326 feet, more or less, to a point bearing S. $33^\circ 38'$ E., 100.0 feet from survey station 3235+60.8, a point of tangent in said center line of main track; thence, continue N. $56^\circ 22'$ E., parallel therewith and 100 feet at right angles therefrom, a distance of 2311.8 feet, more or less, to survey station 3258+71.6; thence, along a "Talbot" spiral curve to the left through an angle of $4^\circ 00'$ a distance of 200 feet; thence, along a 4° curve to the left 328.4 feet, whence the width increases on the southeasterly side from 50 feet to 60 feet; thence, continue along said 4° curve to the left 210.0 feet; thence, along a "Talbot" spiral curve to the left through an angle of $4^\circ 00'$ a distance of 200 feet, whence the width on the southeasterly side decreases from 60 feet to 50 feet; thence, N. $26^\circ 50'$ E. 207.6 feet, more or less, to a point in said center line of main track at survey station 3269+95.0.

Excepting from this description the existing right of way and lands of the said Great Northern Railway Company.

Passed the Senate February 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 160.

[S. B. 78.]

SCHOOL LUNCH ROOMS.

AN ACT relating to the health, welfare and care of children in attendance at public schools; and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. The directors of any school district may establish and operate lunch rooms in school buildings for pupils and teachers: *Provided*, The actual operating expenses, including costs of food supplies, shall not exceed the revenue from the sale of lunches in any school year.

Vetoed.

{ SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 7, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939, with the exception of section 2, which is vetoed.

CHAPTER 161.

[S. B. 120.]

STATE SOLDIERS' HOME AND COLONY.

AN ACT relating to the state soldiers' home and the colony of the state soldiers' home; amending section 3 of chapter 106, of the Laws of 1915, as amended by section 1 of chapter 276 of the Laws of 1927; and making an appropriation therefor.

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

SECTION 1. That section 3 of chapter 106 of the Laws of 1915, as amended by section 1 of chapter 276 of the Laws of 1927 (section 10731 of Remington's Revised Statutes; section 6236 of Pierce's Code), be amended to read as follows:

Amends
§ 10731 Rem.
Rev. Stat.;
§ 6236 P. C.

Section 3. The members of the colony established in the preceding section shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the Director of Business Control, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding ten dollars (\$10) per month in value, and clothing not exceeding twenty-five dollars (\$25) per year in value.

SEC. 2. There is hereby appropriated from the general fund of the state the sum of ten thousand dollars (\$10,000) for the purpose of carrying out the provisions of this act.

Appropriation.

Passed the Senate February 10, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 162.

[S. B. 241.]

PERSONS AUTHORIZED TO ADOPT CHILDREN.

AN ACT relating to the welfare of minor children, their care, custody, control and adoption, and providing penalties; amending sections 1, 4 and 5 of chapter 150 of the Laws of 1935 and declaring an emergency.

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

SECTION 1. That section 1 of chapter 150 of the Laws of 1935 (section 1700-1 of Remington's Revised Statutes; section 592-34 of Pierce's Code) be amended to read as follows:

Amends
§ 1700-1 Rem.
Rev. Stat.;
§ 592-34 P. C.

Section 1. It shall be unlawful for any person, firm, society, association or corporation, except the parents, to assume the permanent care, custody or

Persons
authorized
to adopt.

control of any child under the age of majority, unless authorized so to do by a written order of a superior court of the state. It shall be unlawful, without the written order of the superior court having first been obtained, for any parent or parents to in anywise relinquish or transfer to another person, firm, society, association or corporation, the permanent care, custody or control of any child under the age of majority, and any such relinquishment or transfer shall be void: *Provided, however,* That where one spouse shall petition a superior court to adopt the child of the other spouse, no order for relinquishment or transfer shall be necessary, but the duly signed and verified joinder by such other spouse in such petition to adopt, and the order of adoption shall constitute a sufficient relinquishment and transfer for the purposes of this act, and shall be conclusive as to the consent of such other spouse and the authorization and approval of said superior court to such transfer: *And provided, further,* That waivers and relinquishments heretofore signed by the parent or parents of said children or child shall be given the same force and effect as would be given prior to the enactment of this law. None of the court proceedings in conformity with this section shall be open to the public unless otherwise directed by the presiding judge.

Amends
§ 1700-4, Rem.
Rev. Stat.;
§ 592-37 P. C.

SEC. 2. That section 4 of chapter 150 of the Laws of 1935 (section 1700-4 of Remington's Revised Statutes; section 592-37 of Pierce's Code) be amended to read as follows:

Order of
relinquish-
ment.

Section 4. No licensee of a maternity hospital, physician, midwife or nurse or any other person shall undertake directly or indirectly to dispose of infants by placing them in family homes for adoption or otherwise, until after the order of relinquishment shall become final: *Provided, however,* That this shall not apply to spouses either of whom is the

parent of such child where the family home wherein said child is placed is the home of said spouses. No licensee as an inducement to a woman to go to any maternity hospital for confinement care shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out directly or indirectly as being able to dispose of children.

SEC. 3. That section 5 of chapter 150 of the Laws of 1935 (section 1700-5 of Remington's Revised Statutes; section 592-38 of Pierce's Code) be amended to read as follows:

Amends
§ 1700-5 Rem.
Rev. Stat.;
§ 592-38
P. C.

Section 5. No order for the relinquishment or transfer of any minor child shall become final or binding until the expiration of ten days from the entering of such order, and during such period and until an order for adoption shall have been entered the child shall continue to all intents and for all purposes the child of the person or persons so relinquishing or transferring as if no order had been entered; it being intended by this section to fix and define the period of time during which the court may make or cause to be made the investigation to determine the fitness and propriety of relinquishment, transfer, or adoption, as provided by law: *Provided*, That in the event no order for adoption is entered but the court determines from its investigation or otherwise that the welfare of the child requires, then the court may order said child committed as a dependent child: *Provided, further*, That if the court shall be satisfied that ten days is an insufficient period in which to make the necessary investigation, then the time may be extended not to exceed ninety days.

Order final.
When.

When a petition for adoption is filed, the court shall enter its order of relinquishment and transfer forthwith: *Provided*, There is filed with the petition

the written waiver of the parent or parents of the person to be adopted.

Effective immediately.

SEC. 4. This act is necessary for the immediate preservation of the public health, safety, and morals, and shall take effect immediately.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 163.

[S. B. 242.]

ADOPTION OF CHILDREN.

AN ACT relating to adoption; providing for investigation; and amending section 1 of chapter 158 of the Laws of 1927 and section 1669 of the Code of 1881; repealing section 1668 of the Code of 1881; and declaring an emergency.

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

Amends
§ 1696 Rem.
Rev. Stat.;
§ 9813 P. C.

SECTION 1. That section 1 of chapter 158 of the Laws of 1927 (section 1696 of Remington's Revised Statutes; section 9813 of Pierce's Code) be amended to read as follows:

Petition for
leave to
adopt.

Section 1. Any inhabitant of this state, not married, or any husband or wife jointly, may petition the superior court of the county of their residence, or the county of the residence of the person to be adopted, for leave to adopt, and change the name if desired, of any person, but a written consent must be given to such adoption by the person, if of the age of fourteen years, and if under the age of twenty-one years by each of his or her living parents, or in case the child be illegitimate, by his or her living mother: *Provided*, That the consent of the parent shall not be required in the following cases, to-wit:

1. From a father, or mother, deprived of civil rights.

2. From a father, or mother, where the child shall have been awarded to the custody and control of the other parent by the judgment or decree of a court of competent jurisdiction, in an action, suit, or proceeding, in which the parent thus deprived of custody has been given notice and an opportunity to be heard: *Provided, however,* That where the custody and control of such child shall have been by judgment or decree in an action for separate maintenance, annulment, or divorce, divided between such parents, or where visitation privileges, specific or unlimited as to time, shall have been awarded to the parent deprived of custody and control in such action, the consent of both parents shall be required.

3. From a father, or mother, who has been adjudged and decreed to be feeble minded, or at least one year prior thereto was adjudged insane and has not since been found sane by any competent authority authorized by law.

4. From a father, or mother, who has been found by a court of competent jurisdiction to have deserted or abandoned such child without provision for his or her identification or support.

If in either of the cases above mentioned the child has a legal guardian, the consent of such guardian shall be required and if the child has no legal guardian, then the court shall appoint a discreet and suitable person to act in the proceedings for adoption as the next friend of such child.

Either spouse may adopt the child of the other.

SEC. 2. That section 1669 of the Code of 1881 (section 1698 of Remington's Revised Statutes; section 9815 of Pierce's Code) be amended to read as follows:

Section 1669. Whenever a petition for adoption is filed, the court having jurisdiction of the pro-

Amends
§ 1698, Rem.
Rev. Stat.;
§ 9815 P. C.

Appointment
of adviser.

ceeding may in its discretion appoint some suitable and disinterested person to act as advisor to the court as to the fitness and propriety of the relinquishment, transfer, or adoption of such child; and the person appointed shall make such investigation of the petitioner or petitioners, of the child concerned in said petition and its parentage, as shall suffice to acquaint the court with the information reasonably necessary to its decision on the relinquishment, transfer, or adoption, the duration of such investigation to be as provided by the law governing the finality of orders of relinquishment and transfer: *Provided, however,* That no petition for adoption shall be denied either on recommendation of the person so appointed by the court to act as advisor, or for any other reason or reasons whatsoever without reasonable notice to the person or persons affected thereby and on opportunity to be heard (such hearing, however, to be held in private, admitting thereto only such persons as may have a direct interest in the case), and without there having first been entered by the court its findings setting forth its reasons for such denial.

Order.

At the conclusion of such investigation when conducted and upon compliance with the foregoing provisions, if the court shall be satisfied of the ability of the petitioner, or petitioners, to bring up and educate the child properly, having reference to the degree and condition of the child's parents, and shall be satisfied of the fitness and propriety of such adoption, the court shall make an order setting forth the facts, and declaring that, from that date, such child, to all legal intents and purposes, is the child of the petitioner or petitioners, and that the name of the child is hereby changed.

Repeals
§ 1697 Rem.
Rev. Stat.;
§ 9814 P. C.

Sec. 3. That section 1668 of the Code of 1881 (section 1697 of Remington's Revised Statutes; sec-

tion 9814 of Pierce's Code) be and the same is hereby repealed.

SEC. 4. This act is necessary for the immediate preservation of the public health, safety, and morals, and shall take effect immediately. Effective immediately.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 164.

[S. B. 319.]

RIVER IMPROVEMENT DISTRICTS.

AN ACT relating to river improvement districts and repealing section 9629 to section 9650, inclusive, of Remington's Revised Statutes.

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

SECTION 1. That section 9629 to section 9650, inclusive, of Remington's Revised Statutes (chapter 143, Session Laws of 1903 and chapter 104, Session Laws of 1905) be and the same are hereby repealed. Repeals §§ 9629 to 9650 Rem. Rev. Stat.

Passed the Senate February 27, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 165.

[S. B. 374.]

PREVENTION OF CONGENITAL SYPHILIS.

AN ACT relating to the prevention of congenital syphilis; to take effect January 2, 1940.

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

Test for syphilis.

SECTION 1. Every physician attending a pregnant woman in the State of Washington during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. If the pregnant woman first presents herself for examination after the fifth month of gestation the physician or other attendant shall in addition to the above, advise and urge the patient to secure a medical examination and blood test before the fifth month of any subsequent pregnancies.

Standard test.

SEC. 2. A standard serological test shall be a laboratory test for syphilis approved by the State Director of Health and shall be performed either by a laboratory approved by the State Director of Health for the performance of the particular serological test used or by the State Department of Health, on request of the physician free of charge.

SEC. 3. This act shall take effect January 2, 1940.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 166.

[S. B. 394.]

REAPPROPRIATION FOR SECONDARY STATE HIGHWAYS.

AN Act reappropriating a certain sum from the motor vehicle fund for salaries, operations, administration, construction, reconstruction, location, alteration, repair, improvement and maintenance of secondary state highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways and the Department of Highways for salaries, operations, administration, construction, reconstruction, location, alteration, repair, improvement and maintenance of the secondary state highways, and for all other proper secondary state highway purposes, the sum of one million five hundred eighty-nine thousand three hundred twenty and 85/100 dollars (\$1,589,320.85), the same being the unexpended balance of the appropriation contained in section 3, chapter 206, Laws of 1937, as shown by the State Auditor's books on December 31, 1938: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 3, chapter 206, Laws of 1937.

Re-appropriation.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate February 28, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 167.

[S. B. 395.]

REAPPROPRIATION FOR COUNTY ROADS AND
CITY STREETS.

AN ACT reappropriating a certain sum from the motor vehicle fund for location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads and city streets, and for the Director of Highways, and declaring that this act shall take effect immediately.

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

Re-appropriation.

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the counties, the cities and Director of Highways, to be expended in accordance with the purposes set forth in subdivisions (c), (d) and (e), section 2, chapter 208, Laws of 1937, including cooperation with the Federal or state government or any agent thereof authorized by law, and for all other proper county road purposes, including location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads and city streets, for payment of interest and principal of bonds issued for road and street purposes, and for supervision by the Director of Highways of work and expenditures of counties, cities and towns on county roads and city streets, the sum of five million fourteen thousand eight hundred thirty-six and 02/100 dollars (\$5,014,836.02), the same being the unexpended balance of the appropriation contained in section 4, chapter 208, Laws of 1937, as shown by the State Auditor's books on December 31, 1938: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 4, chapter 208, Laws of 1937.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and

safety and the support of the state government and its existing public institutions, and shall take effect immediately. Effective immediately.

Passed the Senate February 28, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 168.

[S. B. 396.]

REAPPROPRIATION FOR PRIMARY STATE HIGHWAYS.

AN Act reappropriating a certain sum from the motor vehicle fund for location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways and the Department of Highways for location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and for all other proper primary state highway purposes, the sum of two million eight hundred sixty thousand two hundred twenty-three and 20/100 dollars (\$2,860,223.20), the same being the unexpended balance of the appropriation contained in section 10, chapter 208, Laws of 1937, as shown by the State Auditor's books on December 31, 1938: Re-appropriation.
Provided, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 10, chapter 208, Laws of 1937.

Effective
immediately.

SEC. 2. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 28, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 169.

[S. B. 448.]

HIGHWAYS IN VICINITY OF GRAND COULEE DAM.

AN ACT relating to public highways; authorizing an investigation and survey for highways serving the Grand Coulee Dam vicinity; defining the powers and duties of the Director of Highways; providing for emergent construction; making an appropriation; and declaring an emergency.

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

Establish-
ment of
highways.

SECTION 1. The Director of Highways of the State of Washington is authorized, empowered and directed individually or in conjunction with any county or other political subdivision, drainage, irrigation or reclamation district, railroad, the Bureau of Reclamation of the United States Department of the Interior and any other public or private agency or person to conduct a survey, investigation, and reconnaissance concerning present and future requirements for the establishment of public highways which may be necessary or convenient in serving areas which may be reclaimed through the operation of Grand Coulee Dam and areas in the vicinity of the waters impounded by Grand Coulee Dam and the operation thereof, particularly with respect to agricultural, industrial, and community development in any reclamation area or adjacent to such im-

pounded water. It shall be the duty of the Director of Highways to compile a report based upon such investigation and survey and submit the same to the regular legislative session of 1941.

SEC. 2. In the event there should appear from such investigation, survey and reconnaissance conducted by the Director of Highways, an immediate necessity for the construction of any public highways serving the area in the vicinity of waters impounded by Grand Coulee Dam or reclamation areas served thereby in order to further industrial or agricultural development, the Director of Highways is empowered and directed to cause the establishment and construction of such public highways from funds appropriated by this act, expended by him individually or in conjunction with funds available from the State of Washington or any city, county or political subdivision thereof, or the government of the United States, or any agency thereof, or from any public or private organization or individual.

Emergent
construction

SEC. 3. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the motor vehicle fund for the use of the Director of Highways the sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary.

Appropriation.

SEC. 4. This act is necessary for the support of the state government and its existing institutions and shall take effect immediately.

Effective
immediately.

Passed the Senate March 4, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 170.

[H. B. 41.]

JURISDICTION CEDED TO UNITED STATES IN OLYMPIC
NATIONAL PARK.

AN ACT relating to the Olympic National Park and ceding jurisdiction thereof to the United States with certain reservations.

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

Exclusive
jurisdiction.

SECTION 1. Exclusive jurisdiction shall be, and the same is hereby ceded to the United States over and within all the territory that is now or may hereafter be included in that tract of land in the State of Washington, set aside for the purposes of a national park, and known as the Olympic National Park; saving, however, to the said state, the right to serve civil and criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state, but outside of said park; and saving further to the said state the right to tax persons and corporations, their franchises and property on the lands included in said park: *Provided, however,* This jurisdiction shall not vest until the United States through the proper officer, notifies the Governor of this state that they assume police or military jurisdiction over said park.

Passed the House February 14, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 171.

[H. B. 126.]

IRRIGATION DISTRICT ASSESSMENTS.

AN ACT relating to irrigation districts, to the authority and duties of the county treasurer and district officers with respect to sales of land for delinquent district assessments and to the issuance of treasurer's deeds therefor, relating to district land titles, to validation of certain deeds heretofore issued in the name of an irrigation district, to district actions to quiet title, to district assessments and tolls and the liens thereof, providing the rate of interest delinquent district assessments shall bear, providing for notice of application for treasurer's deed by private holders of certificates of sale, providing that certain easement rights shall not be included in sales for delinquent district assessments, providing a limitation of actions to set aside and cancel treasurer's deeds issued on account of sales for delinquent district assessments and tolls or to recover lands sold on account of such assessments and tolls, amending chapter 5, title 48 of Remington's Revised Statutes of Washington by adding thereto a new section to be designated section 7447-1 and amending sections 7448-2 (being section 2, chapter 194, Laws of 1933), 7441, 7442, 7445, 7447 and 7454 of Remington's Revised Statutes of Washington, and repealing all acts or parts of same inconsistent or in conflict with this act or any part of same.

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

SECTION 1. That section 7448-2 of Remington's Revised Statutes of Washington (1938 Annual Pocket Part for Volume 8, being section 2, chapter 194, Laws of Washington 1933 Session) be amended to read as follows:

Amends
§ 7448-2
Rem. Rev.
Stat.

Section 7448-2. ACTION IN REM—SUMMONS AND NOTICE. The irrigation district shall have authority to include in one action any and all tracts of land located in one county and owned by said district. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the Clerk of the Superior Court,

Action in
rem—
summons
and notice.

Possession construed to be personal occupancy.

in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of the law, and personal service of summons and notice hereinafter provided for, upon one in personal possession of land involved, shall be conclusive upon any principal, if any, he may represent in such occupancy. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.

At any time after the action is instituted and prior to the time judgment is applied for, the district shall file with the clerk of the court the affidavit of the publisher of the summons and notice showing publication thereof as hereafter required and the affidavit of an officer of the district or of its attorney describing the lands, if any, included in the action, not in the actual, open and notorious possession of any person or corporation and such affidavits shall be prima facie evidence of the facts therein alleged.

Amends § 7441 Rem. Rev. Stat.

SEC. 2. That section 7441 of Remington's Revised Statutes of Washington be amended to read as follows:

Lien of assessment.

Section 7441. LIEN OF ASSESSMENT. The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which it is levied, but as between grantor and grantee such lien shall not attach until the fifteenth day of February of the year

in which the assessment is payable, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the lien for all payments due or to become due under any contract with the United States, or the State of Washington, accompanying which bonds of the district have not been deposited with the United States or the State of Washington, as in section 7429 provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

Other liens.

SEC. 3. That section 7442 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 7442 Rem.
Rev. Stat.

Section 7442. COLLECTION OF ASSESSMENTS—NOTICE—ROLL. The assessment roll, before its equalization and adoption, shall be checked and verified as to descriptions and ownerships, with the County Treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the County Treasurer of each respective county in which the lands therein described are located, and said assessments shall become due and payable on the fifteenth day of February following.

Collection of
assessments.

One-half of all assessments on said roll shall become delinquent on the first day of June following the filing of the roll unless said one-half is paid on or before the thirty-first day of May of said year, and the remaining one-half shall become delinquent on the first day of December following, unless said one-half is paid on or before the thirtieth day of November. All delinquent assessments shall bear

interest at the rate of ten per cent per annum from the date of delinquency until paid.

Notice.

Within twenty days after the filing of the assessment roll as aforesaid the respective County Treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the County Treasurer of the county in which said land is located and will become delinquent unless paid as herein provided. Said notice shall state the dates of delinquency as fixed in this act and the rate of interest charged thereon and shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district in each county in which any portion of the district is situated.

Assessment
book.

Upon receiving the assessment roll the County Treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Upon payment of any assessment the County Treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On all assessments levied prior to the time this amendatory act takes effect the County Treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied; and on all assessments levied

after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest provided by this amendatory act.

It shall be the duty of the County Treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the County Treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

Statement of
assessments
furnished.

It shall be the duty of the County Treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the County Treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

Monthly
remittances.

The provisions of this act with respect to delinquency and interest to be charged shall apply to all assessments now delinquent as well as to all assessments becoming delinquent hereafter, and it shall be the duty of the respective County Treasurers to collect interest at said rate of ten per cent per annum without regard to the date of levy or delinquency: *Provided*, That upon redemption from any certificate of sale other than certificates of sale held by an irrigation district the County Treasurer shall collect interest at the rate prescribed in such certificate of sale.

Delinquency
and interest.

Amends
§ 7445 Rem.
Rev. Stat.

SEC. 4. That section 7445 of Remington's Revised Statutes of Washington, be amended to read as follows:

Designation
of property
for sale.

Section 7445. SALES, HOW CONDUCTED. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the County Treasurer by whom the sale is to be made, and prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including one dollar to the treasurer for duplicate of the certificate of sale, is the purchaser. The Treasurer shall account to the district for said one dollar. If the purchaser does not pay the assessment and costs before ten o'clock A. M. the following day, the property must be re-sold on the next sale day for the assessments and costs. In case there is no purchaser in good faith for the same on the first day that the property is offered for sale, and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the irrigation district as the purchaser, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the Treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. An irrigation district, as a purchaser at said sale, shall be entitled to the same rights as a private purchaser, and may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were being made by the owner.

Irrigation
district as
purchaser.

If no redemption is made of land for which an irrigation district holds a certificate of purchase, the district will be entitled to receive the treasurer's deed therefor in the same manner as a private person would be entitled thereto. The district may lease from year to year with the right to include an option to purchase, sell on contract on deferred payments, or sell for cash and convey the lands so acquired, by deed executed by the president and secretary of the board and acknowledged by the president: *Provided*, That authority to so lease, option, sell or convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such option may be granted or sale may be made, which price shall be not less than the reasonable market value of such property except as hereinafter authorized:

Provided, That the board shall have authority without consideration by resolution stating the necessity therefor, to authorize the execution and delivery of a quit claim deed in the name of the district correcting errors in descriptions in a deed regularly and previously issued and also removing clouds on title arising from sales of land erroneously and illegally made by the County Treasurer, and any deed of conveyance heretofore regularly issued in the name of any irrigation district solely for any of the purposes in this proviso mentioned, is hereby validated, approved and confirmed, and:

Title
validated.

Provided, That the board shall also have full authority without consideration to authorize the release, dedication, grant or conveyance of district lands or easements therein for highway or domestic water purposes and for other public utility purposes conveniencing the inhabitants of the district when in the judgment of the members of the board such action will enhance the value of the remaining district land to an extent equal to or greater than the

Conveyance
for public
utility
purposes.

value of the interest or easement released, dedicated, granted or conveyed, and:

Omission
of lands.

Provided, That in any instance where assessments for one or more years duly levied by the district have been delinquent for the time required by law to make the land chargeable therewith, subject to sale, and said land for any reason has been omitted from the general sale next held after any of such delinquency or delinquencies, and also in any instance where a sale of property by the County Treasurer on account of delinquent district assessments is illegal by reason of a defective notice of sale or material errors in the description of the property sold and the Treasurer's deed has not yet been delivered to the purchaser at such illegal sale, in any of such instances, a reassessment of the property by the district shall not be required, but said Treasurer shall have authority and it shall be his duty, upon learning of such omission or defective sale, to sell the omitted property or sell the property previously defectively sold, at the time of the next general annual sale, for all such delinquent district assessments and such sale thereafter held shall be noticed and conducted in the same manner and the sale shall have the same force and effect, as sales in the first instance. The purchaser at an illegal sale aforesaid who has not accepted delivery of his or its deed from the County Treasurer shall be entitled to a return of any moneys paid to the County Treasurer on account of the bid upon return of the certificate of sale, and:

Defective
sale.

Reassess-
ment not
required.

Sale of
previously
omitted or
defectively
sold lands.

Title to
easements
not conveyed.

Provided, That sales of land made by the Treasurer, or deeds issued pursuant to such sales, shall not operate to convey the title to any easement owned by any public service corporation, or by the district, or by any municipal or public corporation, or to convey the title to any pipe line, electric transmission lines, telephone lines or other public service facilities constructed or maintained on such

land under such easement, including also any private easement owned by third parties through or by which service is maintained or received from such district, municipal or public service corporation, and:

Provided, further, That when lands shall have been deeded by the County Treasurer to the district and if title shall remain vested in the district, and in the judgment of the Board of Directors, said sale shall have resulted from unavoidable accident, inadvertency, or misfortune and without intent on the part of the owner or person entitled to make redemption, to permit said assessments to become delinquent and the land to be sold, the Board of Directors may, pursuant to an order entered upon the minutes of the board, cause said land to be reconveyed to the owner or person entitled to redemption within the period of one year after deed is issued, upon the payment by the owner or person who would have been entitled to make redemption before deed of the amount stated in the certificate of sale with interest thereon at ten per cent per annum from the date of sale, one dollar for the deed, and all subsequent assessments with interest.

Redemption,
when sale
made
through
inadvertency.

After receiving the amount of assessments and costs, the County Treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the Treasurer making the sale and one copy delivered to the purchaser, and the other filed in the office of the County Treasurer of the county in which the land is situated: *Provided,* That upon the sale of any lot, parcel or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents (25¢) and in case of a sale to a person or a dis-

Treasurer's
certificate.

tract, of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

§ 7447 Rem.
Rev. Stat.

SEC. 5. That section 7447 of Remington's Revised Statutes of Washington be amended to read as follows:

Redemption,
when made.

Section 7447. REDEMPTION, WHEN MADE—DEED—FEE. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest at any time before deed issued, and delivered by the treasurer by paying the amount of the purchase price and interest as in this act provided, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the irrigation district is the purchaser, the redemptioner shall not be required to pay the amount of any district assessment levied subsequent to the assessment for which said land was sold, but all subsequent and unpaid assessments levied upon said land to the date of such redemption shall remain a lien and be payable and the land be subject to sale and redemption at the times applicable to such subsequent annual district assessment. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and the County Treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignees. No redemption shall be made except to the County Treasurer of the county in which the land is situated.

Upon completion of redemption the County Treasurer to whom redemption has been made shall enter the word "redeemed", the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of

the certificate is made. If the property is not redeemed within one year, after the fifteenth day of January of the year in which such property was sold, the County Treasurer of the county in which the land sold is situated must thereafter, upon demand by the owner of the certificate of sale, make to the purchaser, or his assignees a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. Where the owner of the certificate is some party other than an irrigation district, deed shall not be issued until an affidavit or affidavits showing service or publication of the notice required by section 6 hereof has been filed with the County Treasurer and twenty-one days have elapsed since the service or first publication of said notice. The treasurer shall also endorse on the margin of the current district assessment roll opposite the description of the land described in the deed, the date of delivery of the deed and the name of the certificate holder receiving the deed, and the transfer of the title to the grantee in the deed and the issuance of said deed shall be construed to take place and shall be complete as of the time of delivery of said deed. The treasurer shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (25¢) and when any person or district holds a duplicate certificate covering more than one tract of land, the several parcels, or tracts of lands mentioned in the certificate may be included in one deed.

SEC. 6. That chapter 5, title 48 of Remington's Revised Statutes of Washington be amended by adding thereto a new section to be designated section 7447-1 and to read as follows:

Redemption
date.

Deed.

Adds § 7447-1
Rem. Rev.
Stat.

Notice to parties having interest of application for tax deed.

Section 7447-1. The owner of any certificate of sale for irrigation district assessments, not including irrigation districts, shall, at least twenty-one days before applying for a deed, serve, in the manner provided herein, all parties having an interest in said property or a mortgage lien thereon according to the records of the county auditor's office in the county in which said property is located with a written notice stating that said property has been sold for delinquent irrigation assessments, giving the date of the sale, a description of the property, the amount for which it was sold, and the time the purchaser will apply for a tax deed. The property may be redeemed at any time until such notice has been given and the deed issued. Notice to any party having an interest in or a mortgage lien on said property shall be given by registered mail, addressed to such party at his usual place of address, if known to the owner of the certificate, and, if not known, at the place of address shown by the instrument in the county auditor's office under which such party has an interest in or a mortgage lien on said property. If the name or address of any party upon whom service of notice is required is unknown to the owner of the certificate (his affidavit shall be *prima facie* evidence of that fact) and cannot be ascertained from the record of the instrument under which such party has an interest in or mortgage lien on said property, the owner of the certificate shall serve notice on such party or parties by publishing in two successive weekly issues of a newspaper published in the county where the property is situated a notice substantially in the following form:

NOTICE OF APPLICATION FOR IRRIGATION TAX DEED.

Notice is hereby given that the undersigned is the owner and holder of an irrigation district tax certificate of sale covering the land hereinafter described, and, unless redeemed, the undersigned will, on or after the expiration of twenty-one days from

Form of notice.

the first publication of this notice, apply to the County Treasurer of the county in which said land is located for a tax deed to said property. The date of said certificate, the amount thereof, the names of the parties to whom said property was assessed, and the description of the property are as follows:

- Date of certificate.....;
- Amount of certificate.....;
- Party assessed
- Description of property.....;
- Date of first publication.....

Applicant.

The first publication of such notice must be made at least twenty-one days before application for tax deed. If no newspaper is published in the county in which the property is situated, publication shall be had in a newspaper published in an adjoining county.

Publication of notice.

In all cases coming under the provisions of this act, the owner of a delinquent tax certificate or any officer thereof, if the owner is a corporation, shall, before being entitled to receive a tax deed, make and file with the County Treasurer an affidavit showing service of notice as required by this section and, if published, an affidavit of the owner of the certificate and of the publisher showing compliance with the provisions of this section, and the affidavit or affidavits so filed shall be kept as a part of the permanent records of the office of the County Treasurer. If, where a party other than an irrigation district holds a tax certificate, the property is redeemed after January 15 of the year following the year in which said certificate is issued, the party redeeming shall, in addition to paying the amount required to redeem, pay to the County Treasurer an amount equal to five per cent of the principal amount of the certificate, not exceeding the sum of ten dollars (\$10.00), which sum shall be paid to the holder

Affidavit of serving notice.

Additional fee paid by redemptioner.

of the certificate if, prior to redemption, he has served or commenced publication of the notice provided for in this section. If the holder of the certificate has not served such notice or commenced publication at the time of redemption, said sum shall be returned to the redeptioner.

Amends
§ 7454, Rem.
Rev. Stat.

SEC. 7. That section 7454 of Remington's Revised Statutes of Washington be amended to read as follows:

Construction
and operating
costs, how
payable.

Section 7454. CONSTRUCTION AND OPERATING FUND—TOLLS. The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension and betterment of the works and improvements herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, and for the carrying out of the purposes of this chapter, may be paid for by the board of directors out of the funds received from bond sales. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of the district irrigation, domestic water, electrical, or telephone system and appliances or of any portion thereof, or for the payment of any indebtedness due the United States or the State of Washington, the board may either fix rates or tolls and charges, and collect the same from all persons for whom district service is made available for irrigation, domestic water, electric energy, and other purposes, or they may provide for the payment of said costs and expenses by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure for the collec-

Levy and
assessment.

tion of assessments by such levy shall in all respects conform with the provisions of this chapter, relating to the payment of principal and interest of bonds herein provided for, and shall be made at the same time. If the toll and charge method is adopted in whole or in part the secretary shall deliver to the board of directors, within the time for filing the assessment roll, a schedule containing the names of the persons to whom the toll is to be charged or to whom the property is assessed, the description of the various parcels of land against which tolls and charges are to be levied and the amount to be charged against each parcel for irrigation and other public uses. Said schedule of charges shall be equalized pursuant to the same notice, in the same manner, at the same time and with the same legal effect as in the case of assessments. Such schedule of tolls for a given year shall be filed with the proper County Treasurer within the same time as that provided by law for the filing of the annual assessment roll, and the County Treasurer shall collect and receipt for the payment of said tolls and credit them to the proper funds of the district. The board may designate the time and manner of making such collections and shall require the same to be paid in advance of delivery of water and other service and may accept short term interest bearing notes with or without collateral in their discretion for any portion of such charges. The board may also base such charges upon the quantity of water to be delivered and may fix a minimum charge to be paid by each acre of land within the district which shall represent the delivery of a stated quantity of water in acre feet with the graduated charge for each additional acre-foot of water delivered. The board may in the same year use the assessment method for part of the lands in the district and the toll and charges method for the remaining lands in the district in such proportion as

Tolls and
charges.

it may deem advisable for the best interest of the district.

Tolls and charges constitute assessment against district.

All tolls and charges levied shall also at once become and constitute an assessment upon and against the lands for which they are levied, with the same force and effect, and the same manner of enforcement, and with the same rate of interest from date of delinquency, in case of non-payment, as other district assessments.

Limitation of actions.

SEC. 8. Actions to set aside or cancel the deed of any County Treasurer issued after and upon the sale of lands for irrigation district assessments or toll charges, or for the recovery of lands sold for delinquent irrigation assessments or toll charges, must be brought within three years from and after the date of such treasurer's deed: *Provided*, This act shall not apply to actions not otherwise barred on deeds heretofore issued if the same be commenced within one year after the passage of this act.

Partial invalidity.

SEC. 9. All acts or parts of same inconsistent or in conflict with this act or any part thereof are hereby repealed in so far as inconsistent or in conflict with this act or any part thereof.

Passed the House March 9, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 172.

[H. B. 172.]

INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors; providing for the control and regulation of the traffic therein; prescribing licenses and license fees; providing for the abatement of certain nuisances; providing for certain officers and defining their powers and duties; defining crimes and providing penalties therefor; and amending chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes; and declaring that this act shall take effect immediately.

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

SECTION 1. That section 23-C of chapter 62, Laws of 1933, Extraordinary Session, as enacted in and by section 1, chapter 217, Laws of 1937, the same being section 7306-23C, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 7306-23C,
Rem. Rev.
Stat.

Section 23-C. 1. There shall be a license to domestic wineries; fee to be computed only on the gallonage manufactured: Twenty-five hundred gallons or less per year, \$15.00 per year; over twenty-five hundred gallons to ten thousand gallons per year, \$30.00 per year; over ten thousand gallons to twenty-five thousand gallons per year, \$50.00 per year; over twenty-five thousand gallons to fifty thousand gallons per year, \$75.00 per year; over fifty thousand gallons to one hundred thousand gallons per year, \$125 per year; over one hundred thousand gallons to two hundred thousand gallons per year, \$200 per year; over two hundred thousand gallons to five hundred thousand gallons per year, \$250 per year; for each five hundred thousand gallons or fraction thereof over five hundred thousand gallons, an additional \$150 per year.

License fee,
domestic
wineries.

Any applicant for a domestic winery license shall, at the time of filing application for license, accom-

pany such application with a license fee based upon a reasonable estimate of the amount of wine gal-
lonage to be manufactured by such applicant. Per-
sons holding domestic winery licenses shall report
annually at the end of each fiscal year, at such time
and in such manner as the board may prescribe, the
amount of wine manufactured by them during the
fiscal year. If the total amount of wine manu-
factured during the year exceeds the amount per-
mitted annually by the license fee already paid the
board, the licensee shall pay such additional license
fee as may be unpaid in accordance with the schedule
provided in this section.

Other than
domestic
wineries.

2. There shall be a license to wineries, other
than domestic wineries, fee to be computed and paid
upon the same basis and subject to the same require-
ments as domestic wineries.

Amends
§ 7306-23I,
Rem. Rev.
Stat.

SEC. 2. That section 23-I of chapter 62, Laws of
1933, Extraordinary Session, as enacted in and by
section 1, chapter 217, Laws of 1937, the same being
section 7306-23I, Remington's Revised Statutes, be
amended to read as follows:

Agent for
beer
wholesaler,
brewer or
domestic
winery.

Section 23-I. 1. No person shall canvass for, so-
licit, receive or take orders for the purchase or sale
of beer or domestic wine at wholesale, nor contact
any retail licensees of the board in goodwill activi-
ties, unless such person shall be the accredited rep-
resentative of a person, firm or corporation holding
a beer wholesaler's license, a brewer's license, or a
beer importer's license, or a domestic winery license,
or a domestic wine wholesaler's license within the
State of Washington, and shall have applied for and
received an agent's license: *Provided, however,*
That the provisions of this section shall not apply to
drivers who deliver beer or wine;

License.

2. Every agent's license issued under this act
shall be subject to all conditions and restrictions im-

posed by this act or by the rules and regulations of the board;

3. Every application for an agent's license must be approved by a licensed beer wholesaler or a licensed brewer, or a licensed beer importer, or a licensed domestic winery, or a licensed domestic wine wholesaler, as the rules and regulations of the board shall require; Approval.

4. The fee for an agent's license shall be two dollars (\$2.00) per annum. Fee.

SEC. 3. That section 24-A of chapter 62, Laws of 1933, Extraordinary Session, as enacted in and by section 3, chapter 158, Laws of 1935, the same being section 7306-24A, Remington's Revised Statutes, be amended to read as follows: Amends
§ 7306-24A
Rem. Rev.
Stat.

Section 24-A. 1. Within the meaning of this act the term "domestic wines" shall mean wines manufactured or produced within the State of Washington in a licensed domestic winery from fruits or fruit products grown exclusively and entirely within the State of Washington. "Domestic
wines."

2. All wines manufactured or produced in domestic wineries may be sold by the manufacturer or producer thereof direct to persons holding licenses entitling them to sell wine at retail under the provisions of this act, or to licensed domestic wine wholesalers or to licensed domestic wineries. There is hereby imposed upon all wines manufactured or produced in domestic wineries and sold to retail licensees within the state a tax of ten cents per wine gallon: *Provided, however,* That wine sold or shipped in bulk from one domestic winery to another domestic winery shall not be subject to such gallonage tax. The tax herein provided for shall be collected by means of stamps to be furnished by the board. Every person selling wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such Sale of
wines.

Gallonage
tax.

Tax, how
collected.

Revenue stamps.

forms as may be prescribed by the board in accordance with section 25. Every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products grown in the state under this section shall be guilty of a violation of this act, and his license shall be summarily cancelled by the board.

Penalty.

Amends § 7306-45 Rem. Rev. Stat.

SEC. 4. That section 45 of chapter 62, Laws of 1933, Extraordinary Session, the same being section 7306-45, Remington's Revised Statutes, be amended to read as follows:

Wine labels.

Section 45. Every person producing, manufacturing, bottling or distributing wine shall put upon all packages a distinctive label such as will provide the consumer with adequate information as to the identity and quality of the product, the alcoholic content thereof, the net contents of the package, the name of the producer, manufacturer or bottler thereof and such other information as the board may by regulation prescribe.

Amends § 7306-70, Rem. Rev. Stat.

SEC. 5. That section 70 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 11, chapter 174, Laws of 1935, the same being section 7306-70, Remington's Revised Statutes, be amended to read as follows:

Investigation and prosecution of violations.

Section 70. 1. All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this act, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for

violations of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. Fines.

2. In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this act or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this act or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. Powers of board.

Liquor enforcement officers, powers.

SEC. 6. That section 92 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 15 of chapter 174, Laws of 1935, the same being Amends
§ 7306-92,
Rem. Rev.
Stat.

section 7306-92, Remington's Revised Statutes, be amended to read as follows:

Penalties
for violations
of act.

Section 92. 1. Every person who violates the provisions of section 28 shall be guilty of a gross misdemeanor.

2. Every person who shall sell by the drink or bottle, any liquor other than beer and wines as defined in this act, shall be guilty of a gross misdemeanor.

3. Except as otherwise provided in this act, every person who shall sell any liquor, including beer and/or wine manufactured under section 32 hereof or who shall own or operate any still shall be guilty of a gross misdemeanor.

4. If any person shall, in this state, buy alcoholic beverages from any person other than the board, a state liquor store or some person authorized under the provisions of this act to sell the same, he shall be guilty of a misdemeanor.

5. Except as otherwise provided in this act, any person who shall have or keep alcoholic beverages other than that purchased from the board, a state liquor store, or some person authorized under the provisions of this act to sell the same, shall be guilty of a gross misdemeanor.

Adds § 27-C
to ch. 62,
Laws 1933
Ex. Sess.

SEC. 7. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 27-C to read as follows:

Suspension
vacated upon
payment of
monetary
penalty.

Section 27-C. The board in suspending any license may further provide in the order of suspension that such suspension shall be vacated upon payment to the board by the licensee of a monetary penalty in an amount then fixed by the board, not exceeding a

sum equal to the aggregate annual license fees of all licenses then held by such licensee.

SEC. 8. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 27-D to read as follows:

Adds § 27-D
to ch. 62,
Laws 1933
Ex. Sess.

Section 27-D. Every licensed brewer, domestic winery and licensed beer importer shall be responsible for the conduct of any licensed beer wholesaler in selling, or contracting to sell, to retail licensees, beer or wine manufactured by such brewer, domestic winery or imported by such beer importer. Where the board finds that any licensed beer or wine wholesaler has violated any of the provisions of this act or of the regulations of the board in selling or contracting to sell beer or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such wholesaler, prohibit the sale of the brand or brands of beer or wine involved in such violation to any or all retail licensees within the trade territory usually served by such wholesaler for such period of time as the board may fix, irrespective of whether the brewer manufacturing such beer or the beer importer importing such beer actually participated in such violation.

Responsibility for
conduct of
beer or wine
wholesalers.

SEC. 9. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 33-A to read as follows:

Adds § 33A
to ch. 62,
Laws 1933
Ex. Sess.

Section 33-A. Any room, house, building, boat, vehicle, structure or place, except premises licensed under this act, where liquor, as defined in this act,

is manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all property kept in and used in maintaining such a place, are hereby declared to be a common nuisance. The Prosecuting Attorney of the county in which such nuisance is situated shall institute and maintain an action in the Superior Court of such county in the name of the State of Washington to abate and perpetually enjoin such nuisance. The plaintiff shall not be required to give bond in such action, and restraining orders, temporary injunctions and permanent injunctions may be granted in said cause as in other injunction proceedings, and upon final judgment against the defendant, such court may also order that said room, house, building, boat, vehicle, structure or place, shall be closed for a period of one year; or until the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal sum of not less than one thousand dollars (\$1,000) payable to the State of Washington, and conditioned that liquor will not thereafter be manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereon or therein in violation of the provisions of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and that he will pay all fines, costs and damages assessed against him for any violation of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. If any condition of such bond be violated, the whole amount may be recovered as a penalty for the use of the county wherein the premises are situated.

Common
nuisance.

Prosecuting
attorney
to abate.

Proceedings.

Judgment.

Penalty.

In all cases where any person has been convicted of a violation of this act or the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor an action may be brought in the Superior Court of the county in which the premises are situated, to abate as a nuisance any real estate or other property involved in the commission of said offense, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and *prima facie* evidence that the room, house, building, boat, vehicle, structure or place against which such action is brought is a public nuisance.

SEC. 10. That section 4 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 1, chapter 62, Laws of 1937, the same being section 7306-4 Remington's Revised Statutes, be amended to read as follows:

Amends
§ 7306-4
Rem. Rev.
Stat.

Section 4. 1. There shall be established at such places throughout the state as the liquor control board, constituted under this act, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations: *Provided*, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five per cent.

State liquor
stores.

Net revenue.

2. The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a Federal permit.

Pure ethyl
alcohol.

3. The Liquor Control Board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the State of Washington, Federal Government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

4. The Liquor Control Board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Effective
immediately.

Holder of
prior license.

Compliance
with act.

SEC. 11. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately: *Provided, however,* That any person, who shall at the time this act takes effect be the *bona fide* holder of a license duly issued under chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, shall be entitled to exercise the rights and privileges granted by such license until the 30th day of September, 1939: *And provided further,* That all persons lawfully engaged in activities not required to be licensed prior to the taking effect of this act but which are required to be licensed under the provisions of this act shall have thirty (30) days from and after the taking effect of this act in which to comply with the same.

Passed the House February 28, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 173.

[H. B. 260.]

DISTRIBUTION OF INTOXICATING LIQUOR REVENUE.

AN ACT relating to intoxicating liquors and amending section 78 of chapter 62 of the Laws of 1933, Extraordinary Session, as amended by section 1, chapter 80 of the Laws of 1935 and section 2, chapter 62 of the Laws of 1937, the same being 7306-78 Remington's Revised Statutes, and declaring an emergency.

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

SECTION 1. That section 78 of chapter 62 of the Laws of 1933, Extraordinary Session, as amended by section 1, chapter 80, Laws of 1935 and section 2, chapter 62, Laws of 1937, the same being 7306-78 Remington's Revised Statutes, be amended to read as follows:

Amends
§ 7306-78
Rem. Rev.
Stat.

Section 78. 1. When said funds are distributed as provided in section 77 hereof all moneys subject to distribution shall be disbursed as follows:

Disburse-
ment.

Funds available for distribution on and after April 1, 1939, thirty-five per cent (35%) to the general fund of the state and thirteen per cent (13%) to the counties of the state, distributed among them in accordance with the provisions of sub-section 2 of this section, and fifty-two per cent (52%) to the incorporated cities and towns of the state, distributed among them in accordance with the provisions of sub-section 2 of this section.

Allocation.

2. a. With respect to the thirteen per cent (13%) share coming to the counties, the distribution shall be among them in accordance with the following computation:

Counties.

The share coming to each eligible county shall be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as shown by the last Federal census, bears

to the total combined population of the total combined unincorporated areas of all eligible counties, as shown by the last Federal census: *Provided*, That no county in which the sale of liquor as authorized under this act is forbidden in the unincorporated area thereof as the result of an election held under sections 82 to 88, both inclusive, of this act shall be entitled to share in such distribution. As used in this section, the term "unincorporated area" shall mean the election unit created by section 82 of this act, consisting of all that portion of any county not included within the limits of incorporated cities and towns.

Unincorporated areas.

Cities.

b. With respect to the fifty-two per cent (52%) share coming to the incorporated cities and towns, the distribution shall be among them in accordance with the following computation:

The share coming to each eligible incorporated city or town shall be determined by a division among the eligible incorporated cities and towns according to the relation which the population of each eligible incorporated city or town, as shown by the last Federal census, bears to the total combined population of all eligible incorporated cities and towns, as shown by the last Federal census: *Provided*, That no incorporated city or town in which the sale of liquor as authorized under this act is forbidden as the result of an election held under sections 82 to 88, both inclusive, of this act shall be entitled to any share in such distribution.

State auditor.

3. The computations under sub-section 2 of this section shall be made by the State Auditor, who shall, immediately after the effective date of this act and immediately following the official publication of every Federal census and so often as necessary by reason of elections held under sections 82 to 88 of this act, file with the board a list certified by him showing the fractional proportions, in terms of per cent or otherwise, coming to each county govern-

ment and incorporated city and town in the state pursuant to this section; and the board shall make payment to each of said counties and incorporated cities and towns in the proportions shown on the certified list last filed with it by the State Auditor under this section.

4. If any city or town shall have been incorporated subsequent to the last Federal census, such city or town shall, subject to the provisions of this section, be entitled to distribution of funds as herein provided on the basis of the official population used in the incorporation proceedings; and computations for distribution shall be made accordingly.

Subsequent
incorporation.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 14, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 174.

[H. B. 184.]

SCHOOL REVENUES.

AN ACT relating to education, amending section 4, chapter 28, Laws of 1933.

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

SECTION 1. That section 4, chapter 28, Laws of 1933, (section 4934, Remington's Revised Statutes; section 5103, Pierce's Code) be amended to read as follows:

Amends
§ 4934 Rem.
Rev. Stat.;
§ 5103 P. C.

Section 4. The interest accruing on said permanent school fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school

Current
funds.

Tax levy.

fund, and from revenues from other sources allotted thereto, shall be exclusively applied to the current use of the common schools. In addition thereto it shall be the duty of the State Board of Equalization, annually, at the time of levying taxes for other state purposes, to levy a tax not to exceed five mills on the dollar, upon all taxable property within the state sufficient to produce a sum, which, when added to the amount of money derived from interest and other income from the state permanent school fund during the preceding school year and to the amount of money collected and allotted to the current use of the common schools of the state during the preceding school year from any other kind of tax or taxes that may hereafter be provided by law, shall equal twenty-five cents per day per pupil for each day's attendance in the common schools of the state during the preceding school year allotted to the several school districts of the state by the Superintendent of Public Instruction as herein provided.

Computation of yearly attendance.

The yearly attendance for calculating the said sum shall be computed on a basis not to exceed one hundred and eighty school days, and shall be as follows:

First: The total number of actual days' attendance in the elementary schools, one and one-fifth times the actual days' attendance in junior high schools and one and two-fifths times the actual days' attendance in regular or senior high schools of the state during the preceding school year, as reported by the County Superintendent of Schools or the successors to their duties. An additional two-fifths days' attendance shall be counted for each day's attendance in vocational classes approved under the state plan for vocational education.

Second: Three times the actual attendance in parental schools and two times actual attendance in schools for defectives complying with the require-

ment of section 4878 of Remington's Revised Statutes amended herein.

Third: Such a total number of days' attendance as is necessary to provide each school district in the state with a minimum of two thousand five hundred days' attendance.

Fourth: Such a total number of days' attendance as will, at twenty-five cents per day, equal the amount of the reimbursement by the state to the several school districts for transportation costs as is elsewhere in this act provided.

Fifth: In night schools an attendance of two hours or more shall constitute one-half day for apportionment purposes.

Sixth: For attendance in part-time schools which require four hours per week, this aggregate weekly attendance shall be counted as equivalent to one day's attendance in high school.

Seventh: In kindergartens an attendance of two hours or more shall constitute one-half day for apportionment purposes.

Eighth: To the regular attendance there shall be added an additional one-half day for each day's actual attendance in the school districts of this state for pupils residing within any military, naval, light-house, or other United States reservation or property, national park or national forest, or on rented or leased undeeded land within any Indian reservation, or the children of school age of any person in the naval or military service of the United States.

Ninth: Such a total number of days' attendance as will, at twenty-five cents per day, equal the total amount due and apportionable to school districts as provided in section 3, chapter 226 of the Session Laws of 1937.

The Superintendent of Public Instruction shall certify, on or before the first day of September of each year, to the State Board of Equalization the

total current state school fund for the year as herein computed. This amount shall constitute the basis for the state levy for current use to be applied exclusively to the common schools. The fund provided by this section shall be known as the current state school fund.

Passed the House March 7, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 175.

[S. H. B. 192.]

MINE TO MARKET ROADS.

AN ACT relating to public highways; providing for the establishment, location, construction and maintenance of mine to market roads; defining the powers and duties of certain state officers; creating a mines to market road commission; providing for the use of state, county and other public funds; providing for an appropriation; and declaring an emergency.

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

Commission.

SECTION 1. For the purposes of this act the Director of Conservation and Development, Director of Highways, and the executive officer of the Washington State Planning Council, shall mean such officers as the same are now designated and exist, or such persons, officers, commissions, boards or otherwise as may succeed to their duties or to the duties of any thereof, and shall constitute the mines to market road commission. The Director of the Department of Conservation and Development shall be the chairman.

Mine to market road defined.

SEC. 2. For the purposes of this act a mine to market road shall be any public highway established, located and constructed to locations of min-

eral deposits and of existing or potential mineral development: *Provided*, That the standard of construction upon any such mine to market road shall be determined by the mine to market road commission.

SEC. 3. A written petition for the designation and establishment of a mine to market road may be presented to the commission by five or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road.

Petition for designation of road.

SEC. 4. No mine to market road shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for, as herein provided. The commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road and as to the value of such mine to market road to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road. The results of such independent investigations by the two directors shall be con-

Petition considered by commissioner.

sidered by the commission, and if the commission finds that the facts indicate that the proposed mine to market road is not feasible the petition shall be then dismissed; but when the commission finds that the investigations show feasibility and advisability the commission shall find and determine that said mine to market road is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter provided: *Provided*, That in thus establishing a mine to market road the commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition.

Director of
Highways
authorized
to construct.

SEC. 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads providing access to such mineral areas or centers of mining development as shall have been determined by the commission.

Counties to
match funds.

SEC. 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road, shall be expended by the Director of Highways for such purposes only upon a matching basis and to such an extent only as the county through which such mine to market road, or any portion thereof, shall pass, shall contribute funds for the use of the Director of Highways for the establishment, location and construction thereof. Any contribution to be made by any county of the State of Washington for the purpose of matching funds appropriated by the State of Washington for the use of the Director of Highways in the establishment, location and construction of mine to market roads, shall be deposited in the motor vehicle fund by such county and set apart for the use of the Director of Highways for such purposes. In the event that any funds are

made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road, such funds shall be received by the State Treasurer of the State of Washington and made available to the Director of Highways for such purpose: *Provided*, That the Director of Highways and all officers, departments, boards or commissions of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contribution shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of the motor vehicle fund of the State of Washington for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road, or that portion thereof for which such contribution was made. It is hereby declared to be the purpose of this section that without regard for the source from which funds may become available for the purpose of defraying the cost of establishment, location and construction of mine to market roads, the county through which such mine to market road, or any portion thereof, shall pass, shall provide the same proportion of funds toward the total cost thereof as shall be provided by the State of Washington.

Federal funds.

Private contributions.

County's proportionate share of total cost.

SEC. 7. Upon the completion of the construction of any mine to market road the Director of Highways shall certify to the Board of County Commissioners of the county in which such mine to market road, or any portion thereof, is located, that the

Completed mine to market road a county road.

same has been completed and such mine to market road, or portion thereof in each such county shall then become and thereafter be a county road of the county in which located, and shall thereafter be maintained, kept up, repaired and protected by such county in the same manner as all other county roads and from funds available for county road purposes in the county road fund.

Appropriation.

SEC. 8. There is hereby appropriated from the motor vehicle fund of the State of Washington the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary for the purposes of carrying out this act: *Provided*, That the Director of Highways shall not expend from this appropriation in excess of fifty thousand dollars (\$50,000) respectively for the fiscal years from April 1, 1939, to March 31, 1940, and from April 1, 1940, to March 31, 1941.

Effective immediately.

SEC. 9. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its existing institutions, and shall take effect immediately.

Passed the House February 25, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 176.

[H. B. 204.]

UNIVERSITY REGENTS.

AN ACT relating to the powers and duties of the Board of Regents of the University of Washington, and amending section 5 of (sub) chapter 1 of title II of chapter 97 of the Session Laws of 1909, as amended by chapter 227 of the Session Laws of 1927 (Remington's Revised Statutes, section 4557; Pierce's Code, section 4759).

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

SECTION 1. That section 5 of (sub) chapter 1 of title II of chapter 97 of the Session Laws of 1909, as amended by chapter 227 of the Session Laws of 1927 (Remington's Revised Statutes, section 4557; Pierce's Code, section 4759), be amended to read as follows:

Amends
§ 4557 Rem.
Rev. Stat.;
§ 4759 P. C.

Section 5. The Board of Regents may adopt by-laws or rules and regulations for its own government. The powers and duties of the Board of Regents are as follows:

Enumeration
of powers
and duties.

First. The said board shall have full control of the university and its property of various kinds, and shall employ the president, members of the faculty, assistants and employes of the institution, who shall hold their positions during the pleasure of said Board of Regents.

Second. It shall be the duty of the Board of Regents, with the assistance of the faculty of the university, to prescribe the course of study in the various departments of the institution and to publish the annual catalogue.

Third. The said board shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty. The board shall also have power, upon recommendation of the faculty, to confer the usual honorary degrees upon other

persons than graduates of this university in recognition of their learning or devotion to literature, art or science; but no degree shall ever be conferred in consideration of the payment of money or other valuable thing. The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas which shall entitle the holder to teach in any public school in the state for a period of five (5) years; and to grant university life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education.

Candidates
for normal
and life
diplomas.

Gifts,
bequests
and devises.

Fourth. The Board of Regents is authorized to receive such gifts, grants and conveyances from private sources, and bequests and devises, of real and personal property, as may be made from time to time, in trust or otherwise, for the use and benefit of said university or any of its departments; and to sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms of said gifts, grants, conveyances, bequests and devises. The said board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above mentioned, and shall make full report of the same in the customary biennial report to the Governor, or more frequently if required by law: *Provided, however*, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of chapter 44 of the Session Laws of 1923, approved March 1, 1923, the same being entitled, "An Act relating to and limiting the power of the Board of Regents of the University

of Washington (Remington's Revised Statutes, section 7846-1; Pierce's Code, section 6533-1)."

Fifth. The Board of Regents is authorized and empowered to give and execute, on behalf of the State of Washington, the bonds and other papers required by the War Department and/or Navy Department for the safe keeping of the arms and equipment loaned by the United States to the University of Washington.

Bonds for safe-keeping of arms and equipment.

Sixth. The Board of Regents shall transmit, on the first day of January preceding each regular session of the legislature, to the Governor a printed report of all the doings since their last report, not exceeding three hundred in number, giving full information of the receipt and expenditure of money, furnish an estimate of the needs of the institution, and give such information as will be helpful to the state authorities in providing for the said institution.

Report to Governor.

Seventh. The members of said Board of Regents shall serve without compensation. Each regent, however, shall be paid his actual traveling expenses in going to and coming from any meeting of said board, and such claims for expenses shall be audited on vouchers issued by the president and secretary of said board the same as any other claims are audited.

Members to serve without compensation.

Passed the House February 24, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 177.

[H. B. 259.]

LICENSING OF DISTRIBUTORS AND TAXING OF OILS.

AN ACT imposing an excise tax on gasoline and other inflammable liquids, and providing for the payment, collection and lien of the tax; amending sections 1, 5 and 17 of chapter 58, Laws of 1933 (sections 8327-1, 8327-5, 8327-17, Remington's Revised Statutes); defining distribution; redefining distributors; providing for ex-tax sales between distributors; providing for evaporation and handling losses; and enacting a new section relating to tax payments, reports, penalties and remedies applicable to persons other than distributors.

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

Amends
§ 8327-1 Rem.
Rev. Stat.

SECTION 1. That section 1 of chapter 58, Laws of 1933 (section 8327-1, Remington's Revised Statutes) be amended to read as follows:

Definitions.

Section 1. DEFINITIONS. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section:

"Motor
vehicle."

(a) "Motor vehicle" shall mean and include every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry.

"Motor
vehicle fuel."

(b) "Motor vehicle fuel" shall mean and include gasoline or any other inflammable liquid, by whatsoever name such liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, motor boats or airplanes.

"Distribu-
tor."

(c) "Distributor" shall mean and include every person, firm, association or corporation who refines, manufactures, produces or compounds motor vehicle fuel and sells, distributes, or in any manner uses the same in this state; also every person, firm,

association or corporation engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires the same within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports the same into this state and sells, distributes, or in any manner uses the same in this state.

(d) "Service station" is a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles. "Service station."

(e) "Director." The Director of Licenses, State of Washington, or his duly authorized deputy or representative. "Director."

(f) "Department." The Department of Licenses of the State of Washington. "Department."

(g) "Dealer." Any person, as herein defined, engaged in the retail sale of liquid motor vehicle fuels. "Dealer."

(h) "Person." Every natural person, firm, partnership, association, or private or public corporation. "Person."

(i) "Highway." Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel. "Highway."

(j) "Broker" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding or manufacturing of motor vehicle fuel. "Broker."

(k) "Producer" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel. "Producer."

"Distribu-
tion."

(1) "Distribution" shall mean and include all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants.

Amends
§ 8327-5 Rem.
Rev. Stat.

SEC. 2. That section 5 of chapter 58, Laws of 1933 (section 8327-5, Remington's Revised Statutes) be amended to read as follows:

Tax on
distributors.

Section 5. TAX ON DISTRIBUTORS. Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the treasurer of this state of five cents (5¢) for each gallon of motor vehicle fuel sold, distributed or used by it in the State of Washington: *Provided, however,* That under such regulations as the Director of Licenses may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one (1) per cent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through evaporation and handling. The tax herein imposed shall be collected and paid to the State of Washington but once in respect to any motor vehicle fuel. Bills should be rendered by distributors to all purchasers of inflammable petroleum products of fifty (50) gallons or more, and upon request to all purchasers of smaller lots. In the case of sales of motor vehicle fuels as herein defined, such bills shall contain a statement that the distributor has assumed the tax thereon; and in other cases the bills shall contain a statement that the purchaser is responsible for the tax, if the products shall be used for the purpose of operating a motor vehicle.

Amends
§ 8327-13
Rem. Rev.
Stat.

SEC. 3. That section 13 of chapter 58, Laws of 1933 (section 8327-13, Remington's Revised Statutes) be amended to read as follows:

Section 13. The Director of Licenses, or his duly authorized agents, shall have the power and is hereby authorized to make any and all such examinations, of the records, stocks, facilities and equipment of distributors, producers, brokers, and service stations, and such other investigations as he may deem necessary in carrying out the provisions of this act. If such examinations or investigations made by the Director of Licenses shall disclose that any reports of distributors of motor vehicle fuel theretofore filed with said Director by said distributors pursuant to the requirements of this act have shown incorrectly the amount of gallonage of motor vehicle fuel distributed or the tax accruing thereon, said Director shall have the power and is hereby authorized to make such changes in subsequent reports and payments of said distributors under this act as he may deem necessary to correct the errors disclosed by his examinations or investigations as hereinbefore authorized.

Investiga-
tions.Correction
of errors.

SEC. 4. That section 17 of chapter 58, Laws of 1933 (section 8327-17, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8327-17
Rem. Rev.
Stat.

Section 17. EXEMPTIONS. Every person who imports motor vehicle fuel into this state for his own use in equipment other than motor vehicles shall not, for that reason alone, be required to secure a distributor's license or to comply with any of the provisions of this act herein imposed upon a distributor or with the provisions of section 5 (a) of this act; but such person shall make a report verified under oath and file the same with the Director on or before the tenth (10th) day of the succeeding month, showing the number of gallons of motor vehicle fuel so imported and the number of gallons of such motor vehicle fuel used during the preceding month, the name of the person from whom the motor vehicle fuel was purchased, the

Exemptions.

Report.

Aircraft or
motor boats.

date of purchase, the place of storage, and the manner of use or intended use together with a description of the equipment in which the same is used. These reports shall be filed upon blanks prepared and furnished by the Director: *Provided, however,* That any person coming into this state in an aircraft or motor boat shall not be required to make such a report in respect to any motor vehicle fuel carried in the fuel tanks of such vehicle for the purpose of propelling such vehicle, and every person coming into this state in a motor vehicle may transport in the fuel tanks of such vehicle for the propulsion thereof not more than twenty (20) gallons of motor vehicle fuel or other inflammable petroleum products without paying the tax, securing the license or making any report herein provided, but if the motor vehicle fuel so brought into the state be removed from the fuel tanks of said vehicles or used for any purpose other than the propulsion of said vehicles, the person so importing motor vehicle fuel shall be subject to all the provisions of this act applying to distributors. The Director of Licenses shall have the right, in order to establish the validity of any exemption, to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the exemption herein granted.

Interstate
or foreign
commerce.

The provisions of this act requiring the payment of taxes shall not be held or construed to apply to motor vehicle fuel, or other inflammable petroleum products, imported into the State of Washington in inter-state or foreign commerce and intended to be sold while the same are in inter-state or foreign commerce, nor to any motor vehicle fuel, or other inflammable petroleum products, exported from this state, nor to any motor vehicle fuel, or other inflammable petroleum products, sold to the

government of the United States or any department thereof for official use of such government, but every distributor shall report such imports, exports and sales to the Director of Licenses at such times, on such forms, and in such detail as said Director may require.

In support of any exemption from taxes claimed under this section on account of the exportation of motor vehicle fuel, every distributor must execute an export certificate in such form as shall be prescribed, prepared and furnished by the Director of Licenses, containing a sworn statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the State of Washington, and giving such details with reference to such shipment as said Director may require. All export certificates must be completed and filed with the Director of Licenses thirty (30) days after the end of the calendar month in which the shipments to which they relate were made. The Director of Licenses may demand of any distributor such additional data as are deemed necessary by said Director in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate.

Export
certificate.

Any claim for exemption based on a sale to the government of the United States or any department thereof may be made by the distributor at any time within six (6) months after the date of sale, but no claim made after the expiration of said period of six (6) months will be recognized for any purpose by the state or any agency thereof.

Sale to
United States
Government.

Nothing herein contained shall be construed to exempt from the payment of the tax any motor vehicle fuel sold and delivered to or used by the State of Washington or any political subdivision thereof, or any inflammable petroleum products other than motor vehicle fuel, used by the State of

Sale to
state.

Washington, or any political subdivision thereof, on the propulsion of motor vehicles as herein defined.

Motor vehicle fuel acquired from United States Government.

Motor vehicle fuel or other inflammable petroleum products used by the United States or any of the governmental agencies thereof shall not be subject to tax hereunder. But any person, firm, association or corporation who shall purchase or otherwise acquire motor vehicle fuel as herein defined upon which the state tax has not been paid, from the United States government, or any of its agents or officers, for use not specifically associated with any governmental function or operation or shall so acquire inflammable petroleum products other than motor vehicle fuel and use the same in the propulsion of motor vehicles as herein defined, for a use not associated with any governmental function or operation, shall pay to the State of Washington the tax herein provided upon the motor vehicle fuel, or other inflammable petroleum products so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent, or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any such motor vehicle fuel or other inflammable petroleum products upon which the state tax has not been paid.

Adds § 5a, to ch. 58, Laws 1933.

SEC. 5. That there shall be added to chapter 58, Laws of 1933, a new section to be known as section 5a, to read as follows:

Persons other than distributors.

Section 5a. Every person other than a distributor who shall acquire any motor vehicle fuel within this state from any person importing it into the state, on which the tax has not been paid or shall import such fuel into this state and sell, distribute, or in any manner use the same in this state shall apply for a license to carry on such activities, file bond, make reports, comply with all regulations

the Director of Licenses may prescribe in respect thereto, and pay a tax of five (5) cents for each gallon thereof so sold, distributed or used in the manner provided for distributors in sections 2, 7 and 8 of chapter 58, Laws of 1933, and the Director of Licenses shall issue a license to such person in the manner provided for issuance of licenses to distributors in section 3 of said chapter 58 of the Laws of 1933. For failure to comply with the terms of this act such person shall be subject to the same penalties imposed upon distributors. The Director of Licenses shall pursue against such persons the same procedure and remedies for audits, adjustments, collection and enforcement of the act as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Licenses.

Passed the House February 24, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 178.

[H. B. 269.]

COURT REPORTERS.

AN ACT relating to official court reporters and repealing section 1, chapter 66, Laws of 1919 (section 42-13 of Remington's Revised Statutes), and amending section 4, chapter 126, Laws of 1913 (section 42-4 of Remington's Revised Statutes).

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

SECTION 1. That section 1, chapter 66, Laws of 1919 (section 42-13 of Remington's Revised Statutes) is hereby repealed.

Repeals
§ 42-13 Rem.
Rev. Stat.

SEC. 2. That section 4, chapter 126, Laws of 1913 (section 42-4 of Remington's Revised Statutes), be amended to read as follows:

Amends
§ 42-4 Rem.
Rev. Stat.

Stenog-
rapher's
costs.

Section 4. In each civil action hereafter commenced the sum of one dollar (\$1.00) shall be paid by the plaintiff at the time of the filing of the complaint to the Clerk of the Court, and at the time of the appearance of the defendant, or any defendant appearing separately, there shall be paid in to the Clerk of the Court one dollar (\$1.00), and these sums so paid shall be taxed as costs in the case, and collected from the unsuccessful party in said action, and shall be known as stenographers' costs, and shall be paid by the clerk of said court into the county treasury of the county in which said action is commenced: *Provided*, That where the fee set forth herein is insufficient to pay the cost of providing official reporters in any county, an additional fee of one dollar (\$1.00) shall be charged to each party to an action by the Clerk of the Court.

Passed the House March 2, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 179.

[H. B. 348.]

PROCEEDS OF LIFE INSURANCE.

AN ACT relating to the proceeds of life insurance and amending section 2 of chapter 92 of the Laws of 1927 (section 7230-1 of Remington's Revised Statutes).

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

Amends
§ 7230-1 Rem.
Rev. Stat.

SECTION 1. That section 2 of chapter 92 of the Laws of 1927, the same being section 7230-1 of Remington's Revised Statutes, be amended to read as follows:

Section 2. If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life, or on another life, in favor

of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance, or his executors or administrators, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person, and such proceeds and avails shall be exempt from all liability for any debt of the beneficiary existing at the time the policy is made available for his use: *Provided*, That subject to the statute of limitations, the amount of any premiums for said insurance paid with intent to defraud creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice, by or in behalf of a creditor, of a claim to recover for transfer made or premiums paid with intent to defraud creditors, with specification of the amount claimed. Every policy of life insurance heretofore or hereafter made payable to or for the benefit of a married woman, or after its issue heretofore or hereafter assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or any other person, and whether the assignment or transfer is made by her husband or by any other person, shall, unless contrary to the terms of the policy, inure to

Beneficiary entitled to proceeds of policy.

Proceeds exempt from debt liability.

Intent to defraud creditors.

Policy payable to married woman.

her separate use and benefit, and to that of her children.

Passed the House March 3, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 180.

[H.B. 379.]

MUNICIPAL BONDS.

AN ACT relating to bonds issued by counties, cities and towns, and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. It shall not be necessary hereafter that any bonds issued by any county, city or town have printed, engraved or lithographed on any page or part thereof a copy of the chapter, statutes or sections of statutes of the State of Washington, or of any ordinance by authority of which the said bonds are issued, or a copy of the statement of the result of any election: *Provided*, This act shall not apply to any local improvement district bonds.

Vetoed.

{ SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House March 2, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939, with the exception of section 2, which is vetoed.

CHAPTER 181.

[S. H. B. 392.]

DISBURSEMENTS FROM MOTOR VEHICLE FUND.

AN Act relating to public highways, primary state highways, secondary state highways, county roads and city streets; establishing the motor vehicle fund as a permanent fund; providing for the distribution of funds accruing to the motor vehicle fund; making appropriations from the motor vehicle fund for location, right of way, improvement, construction, reconstruction, maintenance, special maintenance, emergencies and matching funds provided under certain acts of Congress and other highway purposes for primary state highways and secondary state highways; making appropriations for counties and cities and for supervision thereof and for other expenses; amending section 60 of chapter 187, Session Laws of 1937; providing for refunds to island counties; repealing chapter 54, Session Laws of 1919, chapter 98, Session Laws of 1923, and chapter 14, Session Laws of 1925; prescribing the powers and duties of certain officers; repealing laws in conflict; and declaring an emergency and that this act shall take effect upon the first day of April, 1939.

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

SECTION 1. The motor vehicle fund of the State of Washington, as heretofore constituted by law, consisting of moneys now or hereafter required to be paid into said fund, shall remain a permanent fund of the State of Washington for the use of the state and, through state agencies, for the use of counties, cities and towns, for proper road, street and highway purposes, and for credit to the "General Obligation Bonds of 1933 Retirement Fund," so long as there are any obligations to be met from that fund, and all moneys in the motor vehicle fund shall be credited as hereinafter provided.

Permanent
fund.

SEC. 2. All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax shall be first expended for the following purposes:

Expenditures
from motor
vehicle fund.

(a) For payment of refunds of motor vehicle fuel tax which has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of State Treasurer, State Auditor and the Department of Licenses of the State of Washington in the administration of the motor vehicle fuel tax, said sums to be distributed monthly;

(c) For payment of all sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed by section 5 of chapter 65, Session Laws of 1933.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and remaining after payments as provided in sub-sections (a), (b) and (c) above shall, for the purposes of this act, be referred to as the "net tax amount."

Sums credited from net tax amount in fund.

SEC. 3. From the net tax amount in the motor vehicle fund there shall be credited sums as follows:

(a) To the incorporated cities and towns of the State of Washington sums equal to fifteen per cent (15%) of such net tax amount credited monthly as the same accrues;

(b) To the counties of the State of Washington sums equal to forty-one and one-half per cent (41½%) of such net tax amount credited monthly as the same accrues.

Distribution of funds credited to incorporated cities.

SEC. 4. Funds credited to the incorporated cities and towns of the State of Washington as set forth in sub-section (a) of section 3 above shall be subject to deduction and distribution as follows:

(a) One and one-half per cent (1½%) of such sums shall be deducted monthly as such sums are credited and set aside for the use of the Director of Highways for the supervision of the work and expenditures of such incorporated cities and towns on the city and town streets thereof;

(b) The balance remaining to the credit of incorporated cities and towns after such deduction shall be credited in the motor vehicle fund to each of the several incorporated cities and towns in the direct proportion that the population of each thereof shall bear to the population of all incorporated cities and towns in the state, such credit to be made monthly as such funds accrue. The population basis upon which such credit shall be made shall be as determined by the official United States census of 1930 for all incorporated cities and towns having corporate existence on that date: *Provided*, In case of cities and towns incorporated subsequent to the taking of such census, population shall be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials thereof. Any incorporated city or town which may disincorporate shall upon the date thereof cease to receive the credit of any funds as herein provided, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns: *Provided further*, That in the case of Aurora Avenue in the City of Seattle designated by the Director of Highways as a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable from a local improvement district or condemnation award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five per cent (5%) of the monthly payment or allocation to the City of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the City of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The City Treasurer shall monthly determine the

Balance
credited.

Grants to
certain prop-
erty owners
along Aurora
Avenue.

amount equal to five per cent (5%) of the monthly credit to the City of Seattle in the motor vehicle fund which shall become available for the purposes of this sub-section, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the City Treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five per cent (5%), shall be paid by the State Auditor to the City Treasurer on proper vouchers therefor: *And provided further*, Out of money apportioned to the City of Bellingham by the terms of sub-divisions (d) and (e), chapter 208, Laws of 1937, there shall be paid by the City of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars (\$20,000) for the benefit of the property owners and assessment payers on Elm Street and North West Avenue in said district, which said sum shall be prorated among such owners and assessment payers in the proportion which the assessment made on his or their property bears to the whole of said assessment against Elm Street and North West Avenue property in said district.

Grants
to certain
property
owners of
city of
Bellingham.

Funds
credited to
counties,
deductions
and distribu-
tion.

SEC. 5. Funds credited to the counties of the State of Washington as set forth in sub-section (b) of sec-

tion 3 above shall be subject to deduction and distribution as follows:

(a) One and one-half per cent ($1\frac{1}{2}\%$) of such sums shall be deducted monthly as such sums accrue and set aside for the use of the Director of Highways for the supervision of work and expenditures of such counties on the county roads thereof;

(b) Payment of all sums required to be repaid to counties composed entirely of islands in the manner provided by law.

(c) The balance remaining to the credit of counties after such deductions shall be credited in the motor vehicle fund to the several counties in the following percentages, such credit to be made monthly as such funds accrue:

Adams 1.90,	Asotin .91,	Benton 1.84,	Chelan 2.32,	Monthly percentages.
Clallam 2.24,	Clark 3.11,	Columbia 1.30,	Cowlitz 2.38,	
Douglas 1.34,	Ferry .95,	Franklin 1.24,	Garfield 1.29,	
Grant 1.29,	Grays Harbor 2.95,	Island .77,	Jefferson 1.26,	
King 14.53,	Kitsap 2.26,	Kittitas 2.04,	Klickitat 2.34,	
Lewis 3.12,	Lincoln 2.35,	Mason 1.64,	Okanogan 1.55,	
Pacific 1.94,	Pend Oreille 1.38,	Pierce 6.11,	San Juan .68,	
Skagit 3.47,	Skamania 1.29,	Snohomish 4.91,	Spokane 3.84,	
Stevens 1.84,	Thurston 2.16,	Wahkiakum .89,	Walla Walla 2.29,	
Whatcom 3.56,	Whitman 3.37,	Yakima 5.35.		

SEC. 6. The balance remaining in the motor vehicle fund from the net tax amount and not expended or credited in the manner provided by sections 2, 3, 4 and 5 of this act, and all moneys which have accrued or may accrue to the motor vehicle fund from any source whatsoever, less such sums expended pursuant to proper appropriation for costs of collection and administration of such funds shall be expended by the Department of Highways of the State of Washington pursuant to proper appropriations and re-appropriation thereof for pri-

mary state highway, secondary state highway and other proper Department of Highway purposes.

SEC. 7. All funds accruing to the credit of any incorporated cities and towns in the motor vehicle fund shall be paid to and expended by such incorporated cities and towns in the manner provided by law and in the manner provided by chapter 187, Session Laws of 1937, as amended.

Amends
§ 60, ch. 187,
Laws 1937.

SEC. 8. That section 60 of chapter 187, Session Laws of 1937, be and the same is hereby amended to read as follows:

Monies
credited
used for
streets
designated
as part of
primary
state
highways
and other
city streets

Section 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund may be paid to such incorporated cities and towns as provided by law for the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the Director of Highways as forming a part of the route of a primary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary state highway system. Such expenditure may be made either independently or in conjunction with the state or any county: *Provided*, That thirty per cent (30%) of any such funds credited to any incorporated city or town in the motor vehicle fund may be used for proper city street maintenance purposes upon any city streets of such incorporated city or town, and seventy per cent (70%) of all such funds credited to any incorporated city or town in the motor vehicle fund shall be used for construction only of those city streets designated by the Director of Highways as forming a part of the route of a primary state highway through such incorporated city or town: *Provided, however*, That when, in the opinion of the Director of Highways, those city streets designated

as forming a part of the route of primary state highways through such incorporated cities and towns are fully constructed and maintained reasonably consistent with their original construction, then with the approval of the Director of Highways the unused portion of such seventy per cent (70%), or so much thereof as he shall designate, may be expended for proper city street purposes upon other city streets.

The Director of Highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the Director of Highways as forming a part of the route of primary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary state highways and in the manner and to the extent provided in this section. The Director of Highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the Director of Highways shall be conclusive. Upon determination by the Director of Highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the Director of Highways shall so certify to the State Auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The Director of

Director to provide for maintenance of bridges.

Highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the Director of Highways but in no event in excess of the amount determined by the Director of Highways for any one year: *Provided*, That in the event any such movable span bridge located within the limits of incorporated cities and towns has heretofore and in the past been maintained by the county in which such incorporated city or town is located, then such county shall continue such maintenance and the provisions of this section shall apply to such county, and the Director of Highways may require that the governing authorities of such counties maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the Director of Highways, but in no event in excess of the amount determined by the Director of Highways for any one year.

Refund to
island
counties.

SEC. 9. All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the State of Washington and shall monthly, as they accrue, and after deducting therefrom the ex-

penses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the County Treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the State of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the County Treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the County Treasurer of the counties of either class above referred to as in this section provided, shall be by such County Treasurer distributed and credited to the several road districts of each such county and paid to the City Treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

SEC. 10. That the following acts and parts of acts Repeal. be and the same are hereby repealed: Chapter 54,

Session Laws of 1919 (section 6826 of Remington's Compiled Statutes) as amended by chapter 98, Session Laws of 1923, relating to refunds to counties composed entirely of islands; and chapter 14, Session Laws of 1925, providing the method of payment of refunds to counties composed entirely of islands.

Reciprocal agreements between director and governing officers of county.

SEC. 11. The power is hereby granted to the Director of Highways of the State of Washington and to the governing officials of the several counties of the state authorizing the Director of Highways and the governing officials of any county to enter into reciprocal public highway improvement and maintenance agreements, providing for cooperation either in the county assisting the Department of Highways in the improvement or maintenance of state highways, or the Department of Highways assisting the county in the improvement or maintenance of county roads, under any circumstance where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served through the carrying out of such reciprocal agreements.

Appropriation, salaries, wages and operations.

SEC. 12. For salaries, wages and operations of the office of the Department of Highways and/or district offices of the Department of Highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of nine hundred forty-nine thousand eighty-five dollars (\$949,085), or so much thereof as shall be necessary.

Appropriation, primary state highways, location, etc.

SEC. 13. For location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and including the payment of interest and bond redemption becoming due between April 1, 1939 and March 31, 1941 on state owned bridges within incorporated cities and towns, there is hereby appropri-

ated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of ten million five hundred thousand dollars (\$10,500,000), or so much thereof as shall be available.

SEC. 14. For the maintenance of primary state highways, including road signs, operation of bridges and ferries including maintenance and operation of toll bridges, and similar purposes on primary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of three million five hundred thirty-seven thousand eight hundred forty-seven and 08/100 dollars (\$3,537,847.08), or so much thereof as shall be necessary.

Appropriation, maintenance of primary state highways.

SEC. 15. For the special maintenance of primary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one million five hundred thirty-five thousand two hundred thirty-four dollars (\$1,535,234), or so much thereof as shall be necessary.

Appropriation, special maintenance of primary state highways.

SEC. 16. For emergencies, hereby defined to be damages to primary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as shall be necessary.

Appropriation, emergencies.

SEC. 17. For location, right of way, engineering, improvement, construction and reconstruction of secondary state highways, including the construction of bridges to form a part of secondary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March

Appropriation, secondary state highways, location, etc.

31, 1941, the sum of two million five hundred thousand dollars (\$2,500,000), or so much thereof as shall be available.

Appropriation, secondary state highways, maintenance.

SEC. 18. For the maintenance of secondary state highways, including road signs, operation of bridges and ferries and similar purposes on secondary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one million three hundred eighty-one thousand nine hundred seventy-three and 90/100 dollars (\$1,381,973.90), or so much thereof as shall be necessary.

Appropriation, secondary state highways, special maintenance.

SEC. 19. For the special maintenance of secondary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of eight hundred forty-seven thousand five hundred eighty-six dollars (\$847,586), or so much thereof as shall be necessary.

Appropriation, secondary state highways, emergencies.

SEC. 20. For emergencies, hereby defined to be damages to secondary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one hundred thousand dollars (\$100,000), or so much thereof as shall be necessary.

Expenditures for secondary state highways.

SEC. 21. Of the sums available for primary state highway and secondary state highway purposes under this act, the Director of Highways shall expend for secondary state highway purposes a sum not to exceed three-quarters of one cent ($\frac{3}{4}$ of 1c) per gallon on all taxable motor vehicle fuel sold, all other laws of this state to the contrary notwithstanding.

SEC. 22. To carry out the provisions of the Federal aid road act and the state act assenting thereto (to

be expended for that portion actually completed and chargeable to Federal contributing funds under specific project agreements now executed or to be executed by state and Federal authorities; expenditures herefrom to be limited to anticipated reimbursements), for other Federal assistance and for work actually completed for which reimbursement will be received from other agencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of fifteen million dollars (\$15,000,000), or so much thereof as shall be necessary.

Appropriation to carry out provisions of Federal aid road act.

SEC. 23. For the purpose of continuing the highway equipment fund and for all proper expenditures out of the highway equipment fund, there is hereby appropriated from the highway equipment fund for the biennium ending March 31, 1941, the sum of three million two hundred three thousand eight hundred dollars (\$3,203,800), or so much thereof as shall be necessary.

Appropriation, highway equipment fund.

SEC. 24. For the Department of Highways for traffic control, which shall include the purchase and improvement of land and equipment and the salaries, wages, and operation of traffic control stations, and the alteration, repair and erection of buildings, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred thousand dollars (\$200,000), or so much thereof as shall be necessary.

Appropriation, traffic control.

SEC. 25. For the Department of Highways for vehicle safety inspection, which shall include the purchase and improvement of land and the alteration, repair and erection of buildings, and including necessary salaries, wages, administration and operation of vehicle safety inspection stations, there is hereby appropriated from the highway safety fund for the biennium ending March 31, 1941, the sum of

Appropriation, vehicle safety inspection.

five hundred thousand dollars (\$500,000), or so much thereof as shall be necessary.

Appropriation, supervision of road work in cities and counties.

SEC. 26. For the Department of Highways to carry out the provisions of sub-section (a) of section 4, and sub-section (a) of section 5 of this act, in the manner provided by law, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred seventy thousand dollars (\$270,000), the expenditure under such appropriation in no event to exceed one and one-half per cent ($1\frac{1}{2}\%$) of the funds accruing to the credit of incorporated cities and towns and counties.

Appropriation, cities.

SEC. 27. For cities and towns, including cooperation with the Federal or state government or any agency thereof authorized by law, and for all other proper street purposes, including location, right of way, engineering, improvement, construction, reconstruction and maintenance of city streets, for payment of interest and principal of bonds issued for street purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for the reimbursement of cities and towns for the biennium ending March 31, 1941, the sum of five million five hundred thousand dollars (\$5,500,000), or so much thereof as shall become available.

Appropriation, counties, including island counties.

SEC. 28. For counties, including cooperation with the Federal or state government or any agency thereof authorized by law, including sums to be repaid to counties composed entirely of islands, and for all proper county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads, for payment of interest and principal of bonds issued for road purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for reimbursement of counties for the biennium ending March 31, 1941, the sum of twelve million

five hundred thousand dollars (\$12,500,000), or so much thereof as shall become available: *Provided, however,* The County Commissioners of the several counties may at their discretion use such funds for either new highway construction or maintenance of existing county roads.

SEC. 29. That all acts and parts of acts in conflict with this act or any part thereof be and the same are hereby repealed. Conflicting acts repealed.

SEC. 30. That this act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing institutions and shall take effect on the first day of April, 1939. Effective date.

Passed the House March 8, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 182.

[H. B. 473.]

MOTOR VEHICLE REGULATIONS.

AN ACT relating to motor vehicles, evidence of ownership, registration, licensing and identification thereof, and regulation and licensing of operators thereof; relating to certain provisions for the ownership, registration and licensing of vehicles and control of vehicle operators; prescribing the powers and duties of certain public officers; defining certain offenses; amending sections 5, 7, 17, 21, 28, 46, 47, 52, 56 and 67 of chapter 188, Session Laws of 1937; and declaring an emergency and that this act shall become effective April 1, 1939.

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

SECTION 1. That section 5 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows: Amends § 5, ch. 188, Laws 1937.

Assignment of special number when motor or serial number is absent.

Section 5. (a) Before the Director of Licenses shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the motor number of which, in case of a motor vehicle, or the serial number of which, in case of a trailer, has been altered, removed, obliterated, defaced, omitted or is otherwise absent, the registered owner of such vehicle shall be required to file an application with the State Treasurer, accompanied by a fee of fifty cents (50c), upon a form provided, and containing such facts and information as shall be required by the Director of Licenses for the assignment of a special number for such vehicle. Such application shall be handled by the Director of Licenses in the same manner as is by this chapter required for an application for a certificate of ownership. Upon receipt of such application, the Director of Licenses, if he is satisfied such applicant is entitled to the assignment of a motor number or serial number, as the case may be, shall designate a special motor number or serial number, as the case may be, together with a symbol indicative of this state, for such vehicle, which symbol followed by such number shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the Director of Licenses. The applicant for such assignment of number shall be, in case of a motor vehicle, promptly notified of the number assigned and the symbol to be prefixed thereto, and such applicant shall thereupon cause such symbol and motor number to be pressed or cut in a conspicuous position upon the motor of the said motor vehicle; the applicant for such assignment of number shall be, in case of a trailer, promptly mailed a metal plate impressed with the symbol and number assigned to such trailer, which plate shall be securely attached in a conspicuous position upon the outside of such

trailer. Upon receipt by the Director of Licenses of a certificate by an officer of the Washington State Patrol, or other person authorized by the Director of Licenses, that he has inspected such vehicle and that the motor number, together with the symbol so assigned, or the special serial number plate, as the case may be, have been legally pressed or cut in a conspicuous position upon the motor of the motor vehicle or securely attached in a conspicuous position upon the outside of the trailer, as the case may be, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the Director of Licenses shall be and he hereby is authorized to use such number and such symbol as the numerical identification marks for such vehicle in any certificate of license registration or certificate of ownership he may thereafter issue covering such vehicles;

(b) Upon the destruction of any vehicle covered by certificate of license registration and ownership, it shall be the duty of the registered owner and of the legal owner, to forthwith and within five (5) days thereafter forward and surrender such certificates, together with the vehicle license plates therefor if available, to the Director of Licenses, together with a statement of the reason for such surrender and the time and place of destruction. The possession by any person of any such certificate of a vehicle so destroyed, after five (5) days following such destruction, shall be *prima facie* evidence of the violation of the provisions of this chapter and shall constitute a gross misdemeanor;

Surrender of certificates upon destruction of vehicle.

(c) Any person holding the certificate of license registration to a vehicle in which there has been installed a new or different motor than that with which the same was issued certificates of ownership and license registration shall forthwith and

Installation of new or different motor.

within five (5) days after such installation forward and surrender such certificates to the State Treasurer, together with an application for issue of corrected certificates of ownership and license registration and a fee of fifty cents (50¢), and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates of a vehicle in which a new or different motor has been installed, after five (5) days following such installation, shall be *prima facie* evidence of the violation of the provisions of this chapter and shall constitute a misdemeanor.

Removal of
motor or
motor block.

(d) Whenever the motor or motor block is removed from any motor vehicle and the vehicle has not been destroyed or dismantled in such a manner as to come under the provisions of sub-section (b) above, and there has been issued and is outstanding a certificate of ownership for such vehicle, the registered owner or vehicle dealer having possession of such vehicle shall, within a period of five (5) days after the removal thereof, notify the Director of Licenses in writing on forms to be prescribed by the Director of Licenses and furnished for that purpose, the description of the vehicle from which such motor or motor block has been removed, the date of the removal thereof, and the name and address of the purchaser or holder thereof, or in the event the motor or motor block is not in a condition to be used in a motor vehicle, the disposition made thereof. It shall be unlawful for any dealer or registered owner to fail, neglect or refuse to comply with the provisions of this sub-section.

Amends
§ 7, ch. 188,
Laws 1937.

SEC. 2. That section 7 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Mortgages.

Section 7. If, after a certificate of ownership is issued, a mortgage is placed on the vehicle described in the certificate of ownership, the regis-

tered owner shall, within ten days thereafter, present his application to the State Treasurer, signed by the mortgagee, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering said vehicle, which application shall be upon a form provided by the Director of Licenses and shall be accompanied by a money order, bank draft or certified bank check for a fee of fifty cents (50¢). The State Treasurer, upon the receipt of said application, documents and fees, shall affix his receipt for the fee and shall transmit the same to the Director of Licenses who, if he is satisfied that there should be a reissue of said certificates, note such change upon his records and issue to the registered owner a new certificate of license registration and to the mortgagee a new certificate of ownership. Upon the full payment of a contract or mortgage on a vehicle, the legal owner or mortgagee shall assign said certificate of ownership and deliver the same to the registered owner, who shall within ten days thereafter present the said certificate of ownership and certificate of license registration to the State Treasurer accompanied by a fee of fifty cents (50¢) together with an application for reissue thereof, which said application shall be upon a form to be provided by the Director of Licenses, which application shall be handled by the Director of Licenses as in the case of original application for certificate of license registration and certificate of ownership. Upon the full payment of a contract or mortgage on a vehicle the legal owner or mortgagee shall immediately notify the Director of Licenses of such fact on a form to be provided by the Director of Licenses therefor.

SEC. 3. That section 17 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends
§ 17, ch. 188,
Laws 1937.

Additional
annual
fee for motor
truck,
trailer or
semi-trailer.

Weight.

Section 17. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, trailer and semi-trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: 5,000 pounds or more and less than 10,000 pounds, \$10.00; 10,000 pounds or more and less than 15,000 pounds, \$18.00; 15,000 pounds or more and less than 20,000 pounds, \$45.00; 20,000 pounds or more and less than 25,000 pounds, \$90.00; 25,000 pounds or more and less than 30,000 pounds, \$150.00; 30,000 pounds or more, \$250.00: *Provided*, Any such motor truck or motor trucks and trailers or semi-trailers shall be propelled by steam, electricity, natural gas or any inflammable petroleum product or any other substance not taxable as motor vehicle fuel, the foregoing schedule of fees shall be increased in every instance by fifty per cent (50%) thereof and paid in addition to any excise tax upon such substance, other than motor vehicle fuel: *Provided, further*, The maximum gross weight in case of any motor truck, trailer or semi-trailer, shall be the scale weight of such motor truck, trailer or semi-trailer unladen, to which shall be added the maximum load to be carried thereon, as set by the licensee in his application or otherwise: *Provided, further*, That the additional fee provided in this section shall not be collected on any motor truck, and trailer or semi-trailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to or made a part of such motor truck, trailer or semi-trailer.

Special
permit.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the Director of Licenses is authorized to issue a special permit therefor upon an

application to him presented in such form as shall be approved by the Director of Licenses and upon payment therefor of a fee of three dollars (\$3.00): *Provided*, That such permit shall be for the transit of the vehicle only and that the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and the payment of such fee shall be for one transit only between the points of origin and destination as set forth in such application.

SEC. 4. That section 21 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends
§ 21, ch. 188,
Laws 1937.

Section 21. Any vehicle owned, rented or leased by the State of Washington, or by any county, city, town, school district or other political subdivision of the State of Washington and used exclusively by them, and all vehicles owned by the United States government or by the government of foreign countries and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however*, Such vehicles shall be registered as prescribed for the license registration of vehicles and shall display upon the vehicles the vehicle license number plates assigned by the Director of Licenses and except in cases of the United States government and foreign government shall pay for such number plates a fee of one dollar (\$1.00): *Provided, further*, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the Director of Licenses or his duly authorized representative.

Vehicles
exempt from
license fees.

License
registration
and number
plates
required.

Inspection
of school
busses.

Amends
§ 28, ch. 188,
Laws 1937.

SEC. 5. That section 28 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Director of
licenses
to furnish
number
plates.

Section 28. The Director of Licenses shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: *Provided*, That if the vehicle to be licensed is a trailer, semi-trailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the year for which the same is issued and of the State of Washington, as shall be determined and prescribed by the Director of Licenses. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates shall be obtained by the Director of Licenses from the metal working plant of the state penitentiary at Walla Walla, if available therefrom.

Amends § 46,
ch. 188,
Laws 1937.

SEC. 6. That section 46 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Vision
requirement.

Section 46. The Director of Licenses shall not issue a vehicle operator's license to any person whose vision is not twenty-fifty (20/50) or better, with either eye or both eyes according to test for vision as in this chapter provided: *Provided*, Any person whose naked vision is less than twenty-fifty (20/50) with either or both eyes but whose vision has been corrected to twenty-fifty (20/50) or better by the use of glasses may be issued a conditional vehicle operator's license, conditioned that such person may operate a motor vehicle only when wearing glasses

which will correct his vision to meet the requirements of this section, which condition shall be noted on the vehicle operator's license of such person and it shall be unlawful for such person to operate a motor vehicle upon any public highway of this state unless such person is at the time complying with such condition: *Provided, further,* That whenever a person whose naked vision is less than twenty-five (20/50) is unable to accomplish the correction of this condition by artificial means and shall produce a statement from a registered oculist to that effect, the Director of Licenses may, in his discretion, conduct an examination to determine such person's ability to operate a motor vehicle upon the public highways of this state with safety in spite of such infirmity. If the Director of Licenses be satisfied that such person can operate a motor vehicle upon the public highways of this state with safety in spite of such infirmity, then the Director of Licenses may issue to such person a conditional vehicle operator's license permitting such person to operate a motor vehicle upon the public highways under such conditions, limitations and restrictions as to speed, points of operation, and time or times of operation, or any other conditions, limitations or restrictions as he shall deem advisable.

The Director of Licenses shall not issue a vehicle operator's license to any person lacking a hand, arm or leg nor to any such person using an artificial member unless such person is otherwise entitled to the issuance thereof and shall demonstrate to the satisfaction of the Director of Licenses that despite such infirmity he is capable of operating a motor vehicle with safety.

Physical
disability.

SEC. 7. That section 47 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends
§ 47, ch. 188,
Laws 1937.

Temporary
instruction
permit.

Section 47. The Director of Licenses upon receiving from any person over the age of sixteen (16) years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of sixty (60) days when accompanied by a licensed vehicle operator who is actually occupying a seat beside the operator and there is no other person in the vehicle. Temporary instruction permit shall be issued upon payment of a fee of fifty cents (50¢) in the manner provided for the payment of fees for vehicle operator licenses.

Amends
§ 52, ch. 188,
Laws 1937.

SEC. 8. That section 52 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Record of
applications.

Section 52. Upon receipt of the vehicle operator's license applications from the State Treasurer properly receipted and numbered, the Director of Licenses shall check all applications for vehicle operator's license and shall cause the same to be filed in the office of the Director of Licenses together with other records submitted in support thereof and shall show all vehicle operator's licenses suspended, revoked, cancelled or refused and the reason for such suspension, revocation, cancellation or refusal.

Amends
§ 56, ch. 188,
Laws 1937.

SEC. 9. That section 56 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Vehicle
operator's
examination.

Section 56. (a) Consistent with the provisions of the preceding section, the Director of Licenses shall provide to extend the procedure of vehicle operator's examination into the future in such a manner that all vehicle operators shall submit to and qualify by vehicle operator's examination as in this chapter provided at least once in each four (4) year period;

(b) After the effective date of this chapter no person shall be issued a new vehicle operator's license or the renewal of a vehicle operator's license which has expired unless such vehicle operator shall first have submitted to and qualified by vehicle operator's examination as in this chapter provided, nor shall any vehicle operator be issued a renewal of an unexpired vehicle operator's license unless he shall have submitted to and qualified by vehicle operator's examination during the period set by the Director of Licenses therefor consistent with sub-section (a) of this section: *Provided*, Vehicle operator's examination for the renewal of any vehicle operator's license for which examination has been made shall consist of the physical examination and vehicle operation demonstration as in this act provided, and such other examination as may be required in the discretion of the Director of Licenses.

SEC. 10. That section 67 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows:

Amends
§ 67, ch. 188,
Laws 1937.

Section 67. Every court having jurisdiction over any of the offenses committed under this act or any other act of this state or under the ordinance of any incorporated city or town of this state regulating the operation of vehicles on any of the public highways, shall forward to the Director of Licenses a record of the conviction of or forfeiture of bail by any person in said court for the violation of any provisions relating to the licensing of vehicle operators or of any act of this state regulating the operation of vehicles on any of the public highways and a record of the conviction of or forfeiture of bail by any person in said court for the violation of any municipal ordinances which violation would also be an offense under the provisions relating to the licensing of motor vehicle operators or any act of this state regulating the operation of vehicles on any

Court to
forward to
director
record of
conviction or
forfeiture
of bond.

Court may suspend or revoke license.

of the public highways in which case such court may in its discretion revoke or suspend the vehicle operator's license of such person.

Effective date.

SEC. 11. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its existing institutions, and shall take effect on the first day of April, 1939.

Passed the House March 8, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 183.

[S. B. 76.]

VOCATIONAL EDUCATION.

AN ACT relating to vocational education, accepting certain acts of Congress in relation thereto, establishing a state board for vocational education and defining its powers and duties, authorizing the payment of certain obligations incurred for vocational education supervision, amending sections 1, 3 and 5, chapter 160, Laws of 1919, repealing section 4, chapter 160, Laws of 1919, and declaring an emergency.

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

Amends § 4919 Rem. Rev. Stat.

SECTION 1. That section 1, chapter 160, Laws of 1919, being section 4919 of Remington's Revised Statutes, be amended to read as follows:

State accepts provisions of Federal act.

Section 1. The State of Washington hereby accepts all the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of

teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917; and of an act of Congress entitled "An act to provide for the further development of vocational education in the several states and territories," approved June 8, 1936.

SEC. 2. That section 3, chapter 160, Laws of 1919, being section 4921, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 4921 Rem.
Rev. Stat.

Section 3. There is hereby created a State Board for Vocational Education to serve as the agency of the State of Washington for the administration of vocational education. The State Board for Vocational Education shall consist of the members of the State Board of Education.

Board
created,
powers.

The said Board for Vocational Education shall select one of its number as chairman; may appoint an executive officer and/or a secretary as it deems necessary, and shall have power to designate the chairman or any member thereof or an employee as disbursing officer for the board. Meetings of the board may be held at the call of the chairman or a majority of the members of the board.

The State Board for Vocational Education shall have authority to administer any legislation enacted by the legislature of the State of Washington in pursuance of the aims and purposes of said acts of Congress in so far as the provisions of said acts of Congress may apply to the administration of vocational education in and for the State of Washington. It shall have full power to cooperate with the common schools, the institutions of higher education and any department or division of the state government or of any county or municipal corporation thereof, in establishing and maintaining instruction in vocational education in accordance with the provisions of said acts of Congress and legislation enacted by the legislature of the State of Washington

Vocational
education.

in pursuance thereof. It shall have power to administer the funds provided by the Federal government, and by the State of Washington under the provisions of said Federal acts and of all acts passed by the legislature of the State of Washington for the promotion of vocational education in agricultural subjects, trade and industrial subjects, distributive education subjects, home economics subjects training for public service, and the rehabilitation of handicapped persons.

Plans for
promotion
of vocational
education.

It shall have full authority to formulate plans for the promotion of vocational education in such subjects as are to be taught under the direction of the State Board for Vocational Education, and to provide for the preparation of the teachers of such subjects. It shall have authority to appoint and to fix the compensation and tenure of such employees as it may deem necessary to administer the provisions of this act for the State of Washington and to pay such compensation and other necessary expenses of administration from funds appropriated for this purpose and to contract with teacher training institutions to furnish all or any part of such administrative, supervisory, clerical and teacher training services as may be authorized under the provisions of said acts of Congress. It shall have authority to make investigations relating to vocational education; to promote and aid in the establishment, by school districts or institutions, of schools, departments, or classes giving training in agricultural subjects, trade and industrial subjects, distributive education subjects and home economics, and to cooperate with such school districts or institutions in the maintenance of said schools, departments or classes.

Qualifica-
tions of
personnel.

It shall have power to prescribe qualifications of the teachers, directors and supervisors of such vocational subjects in said schools, departments or classes and have full authority to provide for the certifica-

tion of said teachers, directors and supervisors. It shall direct and control all instrumentalities and courses prescribed and established under its authority for the preparation of teachers, directors and supervisors of such subjects and it shall have power to maintain such classes under its own direction and control. It shall also establish and determine by general regulations the qualifications to be possessed by such persons engaged in the training of vocational teachers. The State Board for Vocational Education shall have power to make any necessary rules and regulations to carry out any provisions of this act.

SEC. 3. That section 5, chapter 160, Laws of 1919, being section 4923 of Remington's Revised Statutes, be amended to read as follows:

Amends
§ 4923 Rem.
Rev. Stat.

Section 5. The board of directors of any organized school district or any educational institution or government agency under public supervision or control may establish and maintain vocational schools or classes giving instruction of less than college grade in agriculture, trades and industries, distributive education, or in home economics, and whenever such schools or classes shall have met the standards, courses and requirements established and prescribed or approved by the State Board for Vocational Education, as approved by the United States Office of Education, such district or institution shall be entitled to share in the distribution of the Federal funds available under the provisions of the Federal acts providing for vocational education and also in any state funds appropriated for the promotion of vocational education. Whenever any such schools or classes shall have been organized as herein provided the district or institution maintaining the same shall be entitled to reimbursement for moneys expended for the salaries and travel expenses of teachers or supervisors of vocational courses approved by said State Board for Vocational Edu-

Vocational
schools
established.

District
reimbursed.

cation and such reimbursement shall be made to such school districts or institutions from the fund obtained by adding to the Federal funds available for the promotion of vocational education any fund or funds set aside for this purpose by the State Board for Vocational Education from moneys under its administrative control. Such reimbursement shall be apportioned under the direction of the State Board for Vocational Education. Any school district participating in the benefits of this act and obtaining reimbursement for moneys expended for salaries and travel of teachers of vocational courses, as in this section provided, shall also be entitled to share in the apportionment of the current state school fund and the proceeds of the county school levy and apportionment for attendance of pupils and employment of teachers in its vocational schools or classes.

Payment of salaries.

SEC. 4. The State Board for Vocational Education is hereby authorized to pay to its employees such salaries and expenses as may have been incurred to maintain adequate supervision of vocational schools and classes for the period from August 1, 1938, to March 31, 1939, in fulfillment of the provisions of its contract with the Federal office of education. Such salaries and expenses shall be paid by warrant of the State Auditor issued upon vouchers duly approved by the board, or a majority of the members thereof, out of any moneys remaining in the appropriations made to the State Board for Vocational Education by chapter 230, Laws of 1937.

Repeals § 4922 Rem. Rev. Stat.

SEC. 5. That section 4, chapter 160, Laws of 1919, being section 4922 of Remington's Revised Statutes, be and the same is hereby repealed.

Effective immediately.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety;

support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 2, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 184.

[S. B. 101.]

APPEALS FROM INDUSTRIAL INSURANCE JOINT BOARD.

AN ACT relating to appeals to the superior court from decisions of the joint board of the Department of Labor and Industries, and providing for trial by jury as in actions at law.

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

SECTION 1. In all appeals to the superior court from any order, decision or award of the joint board of the Department of Labor and Industries, either party shall be entitled to a trial by jury upon demand. The jury's verdict in every such appeal shall have the same force and effect as in actions at law. In any such appeal the trial shall be de novo and no party to the appeal shall be permitted to introduce evidence in court in addition to that contained in the departmental record.

Jury trial.

Trial
de novo.

Passed the Senate March 7, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 185.

[S. B. 116.]

AFFIDAVIT OF CLAIM FOR SERVICES.

AN ACT relating to the presenting and auditing of claims for supplies and services furnished to the State of Washington, and counties and municipal corporations therein, and amending section 9, chapter 76, Laws of 1909, as amended by chapter 18, Laws of Extraordinary Session of 1909, the same being Remington's Revised Statutes, section 9959.

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

Amends
§ 9959 Rem.
Rev. Stat.

SECTION 1. That section 9, chapter 76, Laws of 1909, as amended by chapter 18, Laws of 1909, Extraordinary Session (Remington's Revised Statutes, section 9959), be amended to read as follows:

Section 9. Each and every claim for services performed, supplies furnished or claims of any nature for which compensation is asked, shall be sworn to before an officer authorized to administer oaths; that all salaried public officers are required to take such affidavits without charge: *Provided*, That this section shall not apply to officers or employees drawing annual or monthly salaries, nor to the salaries of legislators, legislative employees, nor to the fees of jurors and witnesses: *And, provided further*, That pay-rolls for daily wages may be sworn to by the superintendent, foreman or person in charge of the work.

Passed the Senate February 21, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 186.

[S. B. 227.]

FUEL OIL TAX.

AN ACT providing an excise tax upon the business of distributing, selling, withdrawing or in any manner using refined or partially refined liquid or liquefiable petroleum products, except gasoline, medicinal oils, wax, and lubricating oils, and repealing sections 78, 79, 80, 81 and 81-a, chapter 180, Laws of 1935 as amended by chapter 116, Laws of 1937 (sections 8370-78, 8370-79, 8370-80, 8370-81 and 8370-81-a of Remington's Revised Statutes of the State of Washington).

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

SECTION 1. From and after the first day of May, 1939, there is hereby levied and there shall be collected, in addition to any other tax provided by law, an excise tax upon every distributor at the rate of one-quarter ($\frac{1}{4}$) cent for each gallon of refined or partially refined liquid or liquefiable petroleum products withdrawn, sold, distributed or in any manner used by such distributor in the State of Washington, except as expressly exempted by section 15.

Tax upon
distributors
—rate.

SEC. 2. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section:

Definitions:

(a) "Distributor" shall mean and include every person, firm, association or corporation who refines, manufactures or compounds liquid or liquefiable petroleum products, and withdraws, sells, distributes, or in any manner uses the same in this state; also any person, firm, association or corporation who acquires the same within the state from any person refining it within or importing it into the state on which the tax of one-quarter ($\frac{1}{4}$) cent per gallon has not been paid; or any person, firm, association or corporation who imports the same into this state

"Distribu-
tor."

and withdraws, sells, distributes or in any manner uses the same in this state.

"Petroleum products."

(b) The term "petroleum products" shall mean and include all derivatives of crude petroleum or crude oil, except gasoline, medicinal oils, wax or lubricating oils.

"Refined or partially refined petroleum products."

(c) The term "refined or partially refined petroleum products" shall mean and include all liquid or liquefiable crude petroleum derivatives, except gasoline, medicinal oils, wax or lubricating oils.

"Director."

(d) "Director." The Director of Licenses, State of Washington, or his duly authorized deputy or representative.

"Department."

(e) "Department." The Department of Licenses of the State of Washington.

"Person."

(f) "Person." The word "person" herein used means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint-stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise.

Application for license to engage in business.

SEC. 3. After this act becomes effective every person, before becoming a distributor or continuing in business as a distributor, shall make an application to the Director of Licenses for a license authorizing such distributor or person to engage in business as a distributor. Applications for such license must be made to the Director of Licenses on forms to be prescribed, prepared and furnished by the director. Before granting any license authorizing any person to engage in business as a distributor, the Director of Licenses must require such person to file with said director, in such forms as shall be prescribed by said director, a bond duly executed by such person as principal with a corporate surety in the manner authorized by section

Bond required.

7246 of Remington's Revised Statutes of Washington, which bond shall be payable to the State of Washington, conditioned upon faithful performance of all the requirements of this act including the payment of all taxes, penalties and other obligations of such person, arising out of this act.

The total amount of the bond or bonds, required of any distributor shall be fixed by the Director of Licenses and may be increased or reduced by said Director of Licenses at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the director must require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as said director may deem proper: *Provided*, That the total amount of the bond or bonds required of any distributor shall never be less than one thousand (\$1,000.00) dollars nor more than fifty thousand (\$50,000.00) dollars. No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bonds but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor may deposit with the State Treasurer, under such terms and conditions as the Director of Licenses may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the State of Washington, or any county of said state, of an actual market value not less than the amount so fixed by said director.

Cash or securities in lieu of bond.

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date upon which such surety shall have

Release of surety.

lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty (30) day period. The director shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor shall, on or before the expiration of the thirty (30) day period, file a new bond, or make a deposit in accordance with the requirements of this section, the director shall forthwith cancel the distributor's license. Whenever a new bond shall be furnished by a distributor as aforesaid, the director shall cancel the old bond of the distributor as soon as he shall be satisfied that all liability under the old bond has been fully discharged.

Additional
bond or
securities.

The Director of Licenses may require a distributor to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in his opinion, the security of the surety bond theretofore filed by such distributor, or the market value of the properties deposited as security by such distributor, shall become impaired or inadequate; and upon the failure of the distributor to give such new or additional surety bond or to deposit additional securities within ten days after being requested so to do by the director, the director shall forthwith cancel his license.

Filing fee.

A filing fee of ten dollars (\$10.00) shall be paid to the director at the time of the filing of an application for a license.

License
issued.

SEC. 4. The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the director shall issue to such distributor a license to transact business as a distributor in the

State of Washington subject to cancellation of such license as provided by law.

The license so issued by the director shall not be assignable, and shall be valid only for the distributor in whose name issued.

License not assignable.

The director shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Applications on file.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the director shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business in this state. The director shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is issued, and such other information as the director may prescribe. Such license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of ex-tax storage of petroleum products without displaying such license card as herein provided.

License number assigned to distributor

License certificate or card.

In the event that any application for a license to transact business as a distributor in the State of Washington shall be filed by any person whose license shall at any time theretofore have been cancelled for cause by the director, or in case said director shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by said director, then and in any of such events the director after a hearing, of which the applicant shall have been given five (5) days' notice in writing and in

Hearing upon eligibility of applicant.

which said applicant shall have the right to appear in person or by counsel and present testimony, shall have and is hereby given the right and authority to refuse to issue to such a person a license to transact business as a distributor in the State of Washington.

Expiration date of licenses.

Licenses issued under the provisions of this act shall expire annually on the thirtieth day of April.

It shall be unlawful from and after May 1, 1939, for any person to be a distributor without first securing from the Director of Licenses a license for which provision is made in this section.

Discontinuance of business by distributor, notice required.

SEC. 5. Whenever a distributor ceases to engage in business as a distributor within the State of Washington by reason of the discontinuance, sale or transfer of the business of such distributor, it shall be the duty of such distributor to notify the director in writing at the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this act, not yet due and payable under other provisions hereof, become due and payable concurrently with such discontinuance, sale or transfer, and it shall be the duty of any such distributor, to make a report and pay all such taxes, interest and penalties, and to surrender to the director, the license certificate theretofore issued to said distributor by the director.

Unless the notice above provided for shall have been given to the director as above provided, such purchaser or transferee shall be liable to the State of Washington, for the amount of all taxes, penalties, and interest under this act accrued against any such distributor so selling or transferring his business, on the date of such sale or transfer, but only to

the extent of the value of the property and business thereby acquired from such distributor.

SEC. 6. Every distributor shall on or before the fifteenth day of each calendar month file, on forms prescribed, prepared and furnished by the Director of Licenses, a sworn statement showing the total number of gallons of petroleum products withdrawn, sold, distributed or used by such distributor within this state during the preceding calendar month. If any distributor shall fail, neglect or refuse to file such report, the Director of Licenses shall proceed forthwith to determine from the best available sources, the amount of petroleum products withdrawn, sold, distributed or used by such distributor for the period unreported, and said determination shall be conclusive upon the distributor for that period. The Director of Licenses shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten per cent for failure to report. Said penalty shall be cumulative of other penalties herein provided.

Statement of amount of petroleum products distributed.

Penalty added to tax.

SEC. 7. The amount of excise tax for each month shall be paid to the Treasurer of the State of Washington on or before the fifteenth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and a penalty of ten per cent shall be added thereto for delinquency.

Tax payments.

The treasurer, on the next business day following the receipt of any payments under this act, shall transmit the same to the Tax Commission of the State of Washington who shall deposit the same to the account of the State Treasurer and all such payments shall be allocated in accordance with the provisions of section 211, chapter 180, Laws of 1935, and any amendments thereto.

In any suit brought to enforce the rights of the state hereunder, the certificate of the Director of

Action to enforce act.

Licenses showing the amount of taxes, penalties and costs unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Acting as distributor without license.

If any person shall become a distributor without first securing the distributor's license required hereunder, the excise tax provided herein shall be immediately due and payable on account of all petroleum products withdrawn, sold, distributed or used by such person. The Director of Licenses shall proceed forthwith to determine from the best available sources, the amount of such tax, and he shall immediately assess the tax in the amount found due, together with a penalty of 100% of the tax, and shall make his certificate of such assessment and penalty. In any suit or proceedings to collect such tax or penalty, or both, such certificates shall be prima facie evidence that the person therein named is indebted to the State of Washington in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this act with reference to delinquency in payment of the tax or by an action at law, which the Attorney General shall commence and prosecute to final determination at the request of the Director of Licenses. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken pursuant to this section shall relieve in any wise any person from the penal provisions of this act.

Attorney general to prosecute.

Delinquent taxes.

SEC. 8. In the event that any distributor is delinquent in the payment of his excise tax hereunder, the Director of Licenses may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such distributor, or owing any debts to such distributor, at the time of receipt by

them of such notice, and thereafter such persons so notified shall neither transfer nor make any other disposition of such credits, other personal property or debts, until twenty days shall have elapsed from and after receipt of such notice unless the Director of Licenses shall have given his consent to a previous transfer, or other disposition. All persons so notified must, within five days after receipt of such notice, advise the Director of Licenses of any and all such credits, other personal property or debts in their possession, under their control or owing by them, as the case may be.

If any person liable for the tax imposed by the provisions of this act, neglects or refuses to pay the same, the amount of such tax (including any interest, penalty or addition to such tax, together with any costs that may accrue in addition thereto) shall be a lien in favor of the state upon all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by such person (whether such property is employed by such person in the prosecution of business or is in the hands of an assignee, trustee, or receiver for the benefits of creditors) from the date such taxes are due and payable as provided in this act, and remaining until the amount of the lien is paid or the property sold in payment thereof. Such lien shall have priority over any lien or incumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose right shall have attached prior to the time the director shall have filed notice of such lien in the office of the County Auditor of the county in which the principal place of business of such person is located. Such auditor, upon presentation of the notice of lien and without requiring the payment of any fee, shall file and index the same in

Refusal
to pay tax
lien.

Priority of
lien.

Notice of
lien filed.

the manner now provided for deeds and other conveyances except that the auditor shall not be required to include, in the index, any descriptions of the property affected by the lien. Such lien shall continue until the amount of said tax, together with and [any] penalties and interest subsequently accruing thereon is paid. The director may issue a certificate of release of lien when the amount of such tax, together with any penalties and interest subsequently accruing thereon has been satisfied, and such release may be recorded with the auditor of the county in which the notice of lien has been filed.

Execution. It shall be the duty of the director to furnish to any person applying therefor a certificate showing the amount of all liens for petroleum products excise tax, penalties, and interest that may be of record in the files of the director against any person under the provisions of this act.

If any distributor shall be in default for more than ten (10) days in the payment of any excise taxes or penalties thereon, payable under the terms of this act, the director shall issue a warrant under the official seal of his office directed to the sheriff of any county of the state commanding said sheriff to levy upon and sell the goods and chattels of such distributor, without exemption, found within his jurisdiction, for the payment of the amount of such delinquency, with the added penalties and interest and the cost of executing the warrant, and to return such warrant to the director and to pay said director the money collected by virtue thereof within the time to be therein specified, which shall not be less than twenty (20) nor more than sixty (60) days from the date of the warrant. The sheriff to whom any such warrant shall be directed shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgment by a court of record and

shall be entitled to the same fees for his services to be collected in the same manner: *Provided*, That nothing in this section shall be construed as forfeiting or waiving any right to collect such taxes by an action on the bond that may be filed with the director or to forfeit any money or securities deposited with the director, under the provisions of this act, or by suit or otherwise and in case of such suit, action or other proceeding shall have been instituted for the collection of said tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided.

Right of
action upon
bond not
waived.

In a suit or action on any bond filed with the director recovery thereon may be had without first having sought or exhausted the remedy against the distributor.

SEC. 9. Every distributor must keep a true and accurate record on such form as the Director of Licenses may prescribe of all stock of all petroleum products on hand; of the amount of crude oil refined, the gravity thereof and the yield therefrom, as well as of such other matters relating to transactions in petroleum products as said Director of Licenses may direct. Every distributor must take a physical inventory of the petroleum products at least once during each calendar month and must have the record of such inventory and of the other matters mentioned in this section available at all times for the inspection of the Director of Licenses and his representatives. Upon demand of the Director of Licenses or his representatives every distributor must furnish a statement under oath reflecting the contents of any records to be kept under this act. Every distributor receiving from any vessel, petroleum products carried by such vessel from outside the state must give notice in writing on forms provided by the director to the Director of Licenses, at least 36 hours before discharge of such petroleum prod-

Inventory
available for
inspection.

Petroleum
products
transported
by vessel.

ucts begins, of the name of such vessel, the place and approximate time of the discharge of such petroleum products, and of the tanks or other containers into which said petroleum products are to be discharged: *Provided*, That the director shall have the right, in proper cases, to waive the notice here required.

Record of petroleum products withdrawn and distributed.

SEC. 10. Each distributor shall maintain and keep in the office of his principal place of business in this state, for a period of two years, such records or record of petroleum products withdrawn, used or sold and distributed within this state by such distributor, together with invoice, bills of lading, and other pertinent papers as may be required under the provisions of this act.

Additional reports.

SEC. 11. The Director of Licenses may, from time to time, by regulation of his department, require additional reports from distributors, with reference to any of the matters herein concerned. Such reports shall be made and filed on forms prepared by the Director of Licenses.

Director to make examinations and investigation.

SEC. 12. The Director of Licenses, or his duly authorized agents, shall have the power and is hereby authorized to make any and all such examinations, of the records, stocks, facilities and equipment of distributors, and such other investigations as he may deem necessary in carrying out the provisions of this act. If such examinations or investigations made by the Director of Licenses shall disclose that any reports of distributors of petroleum products theretofore filed with said director by said distributors pursuant to the requirements of this act have shown incorrectly the amount of gallonage of petroleum products distributed or the excise tax accruing thereon, said director shall have the power and is hereby authorized to make such changes in subsequent reports and payments of said distributors under this act as he may deem neces-

sary to correct the errors disclosed by his examinations or investigations as hereinbefore authorized.

SEC. 13. It shall be the duty of the Director of Licenses to revoke the license of any distributor refusing or neglecting to comply with any provision of this act. The director shall mail by registered mail addressed to such distributor at its last known address appearing on the files of the director, a notice of intention to cancel, which notice shall give the reason for the cancellation. Such cancellation shall become effective without further notice if within ten (10) days from the mailing of the notice the distributor shall not have made good its default or delinquency.

Revocation of license.

The director is hereby given the power to cancel any license issued to any distributor, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such distributor for cancellation thereof, or said director may cancel the license of any distributor upon investigation and sixty (60) days' notice mailed to the last known address of such distributor if said director shall ascertain and find that the person to whom such license has been issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six (6) months prior to such cancellation. But no license shall be cancelled upon the request of any distributor until and unless the distributor shall, prior to the date of such cancellation, have paid to the State of Washington, all taxes imposed by the provisions of this act, together with any and all penalties and fines accruing by reason of any failure on the part of said distributor to make accurate reports as required by this act and/or to pay said taxes and/or penalties.

Cancellation of license upon written request of distributor.

In the event that the license of any distributor shall be cancelled by the director as hereinbefore in this section provided, and in the further event

that said distributor shall have paid to the State of Washington all excise taxes due and payable by it under the laws of the State of Washington upon the withdrawal, sale, distribution, or use of petroleum products, together with any and all penalties accruing by reason of any failure on the part of said distributor to make accurate reports or to pay said tax and/or penalties, then the director shall cancel the bond filed by said distributor.

Report
of deliveries
by carrier.

SEC. 14. Every railroad company, every pipe line company, every water transportation company, and every carrier, except a duly licensed distributor, transporting petroleum products in bulk, between points within the State of Washington, and every person transporting petroleum products in bulk, by whatever manner to a point in the State of Washington from any point outside the state, or from any point within this state to a point outside the state, shall report under oath to the director on forms prescribed by the director, all deliveries of petroleum products in bulk so made to points within or without the State of Washington.

Such reports shall cover monthly periods, shall be submitted on forms supplied by the director and within fifteen (15) days after the close of the month covered by the report. They shall show the name and address of the person to whom the deliveries of petroleum products in bulk have actually and in fact been made; the name and address of the originally named consignee, if the petroleum products in bulk shall have been delivered to any other than the original consignee; the point of origin, the point of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons contained therein, if shipped by rail; the name of the boat, barge or vessel, and the number of gallons contained therein, if shipped by water; the vehicle license number and the motor vehicle

fuel transport license number of each tank truck and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which each delivery is made; and such other additional information relative to shipment of petroleum products as the director may require.

The Director of Licenses or his authorized agents shall have the right at any time during normal business hours to inspect the books of any carrier to determine if the requirements of this section are being properly complied with.

Inspection
of carriers'
books.

SEC. 15. The distributor shall be exempt from the tax herein imposed upon the following:

Exemptions
from tax.

(a) Withdrawal, sale or distribution of petroleum products which this state is prohibited from taxing under the commerce clause of the Constitution of the United States.

Interstate
commerce.

(b) Withdrawal, sale or distribution of petroleum products which the distributor exports from this state.

Exports.

(c) Withdrawal, sale or distribution of petroleum products by a distributor or his duly appointed agent to the United States or any Department thereof.

United
States.

(d) Withdrawal, sale or distribution of petroleum products by a distributor to any vessel engaged in foreign commerce.

Vessel
in foreign
commerce.

(e) Withdrawal, sale or distribution by a distributor of all petroleum products derived from the refining within this state of crude petroleum or crude oil.

Conversion.

(f) Withdrawal, sale or distribution of petroleum products by a distributor to any person who is subject to tax under title V, chapter 180, Laws of 1935, and amendments thereto, and who purchases such petroleum products for the purpose of con-

verting and who does actually convert the same into manufactured gas for distribution to the public.

Provided, That the Director of Licenses shall have the right, in order to establish the validity of any exemption claimed hereunder, to require the distributor to furnish such proof of the validity of such claim as the director may determine, and failure of the distributor to furnish such proof to the Director of Licenses shall constitute a waiver of all rights to the exemption claimed: *Provided, further*, That such proof must be furnished to the Director of Licenses within such time as the director shall by regulation prescribe.

Penalty.

SEC. 16. Any person, firm, association or corporation or any officer or agent thereof failing to pay the tax as herein provided, or violating any of the other provisions of this act, or making any false statement, or concealing any material fact in any report, record, affidavit or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

It shall be unlawful for any person to commit any of the following acts:

Unlawful acts.

1. To display, or cause to permit to be displayed, or to have in possession, any distributor's license knowing the same to be fictitious or to have been suspended, cancelled, revoked, or altered;

2. To lend to, or knowingly permit the use of, by one not entitled thereto, any distributor's license issued to the person lending it or permitting it to be used;

3. To display or to represent as one's own any distributor's license not issued to the person displaying the same;

4. To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act, or otherwise commit a fraud in any application, record, or report;

5. To refuse to permit the Department of Licenses, or any agent appointed by it in writing, to examine his books, records, papers, storage tanks, or other equipment pertaining to the withdrawal, sale and distribution of petroleum products in the State of Washington.

Except as herein otherwise provided, any person violating any of the provisions of this act shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars and costs of prosecution, or imprisonment for not more than one (1) year, or both, in the discretion of the court. Penalty.

SEC. 17. All moneys collected by the Director of Licenses shall be transmitted forthwith to the State Treasurer, together with the statement showing from whence the moneys were derived and shall be by him credited to the general fund. Collections transmitted to state treasury.

SEC. 18. Fifty (50) per cent of all fines and forfeitures imposed in any criminal proceedings by any court of this state for violations of the penal provisions of this act shall be paid to the current expense fund of the county wherein collected and the remaining fifty (50) per cent shall be paid into the general fund of the state. All fees and penalties collected by the director under the penalty provisions of this act shall be paid into the general fund. Fines and forfeitures, allocation.

SEC. 19. The department shall be charged with the enforcement of the provisions of this act. Such employees of the state as are designated as "The Fees and penalties.
Department of licenses to enforce act.

Washington State Patrol to aid enforcement.

Washington State Patrol" shall aid the department in the enforcement of this act.

State power to tax distribution of petroleum products exclusive.

SEC. 20. The tax herein levied is in lieu of any excise, privilege or occupational tax upon the business of withdrawing, selling or distributing petroleum products, and no city, village, town, county, township, or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the withdrawal, sale or distribution of petroleum products.

Partial invalidity.

SEC. 21. If any section, sub-section, clause, sentence or phrase of this act, including those setting forth any penalty, exemption or definition, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares it would have enacted this act if such section, sub-section, clause, sentence or phrase were omitted.

Repeal.

SEC. 22. Sections 78, 79, 80, 81 and 81-a, chapter 180, Laws of Washington of 1935, as amended by sections 8370-78, 8370-79, 8370-80, 8370-81 and 8370-81-a, chapter 116, Laws of Washington of 1937, and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Effective date.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect May 1, 1939.

Passed the Senate March 2, 1939.

Passed the House March 8, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 187.

[S. B. 343.]

SOIL CONSERVATION DISTRICTS LAW.

AN ACT declaring the policy of the Legislature with regard to conserving soil resources and preventing and controlling soil erosion; establishing the state soil conservation committee and defining its powers and duties; providing for the creation of governmental subdivisions within the state to be known as soil conservation districts; providing for the discontinuance of such soil conservation districts; defining the powers and duties of soil conservation districts and providing for the exercise of such powers, including the power to acquire property by purchase, gift and otherwise; empowering such districts to adopt programs and regulations for the discontinuance of land-use practices contributing to soil wastage and soil erosion, and empowering such districts to adopt programs and regulations for the carrying out of soil-conserving land-use practices, and providing for the enforcement of such programs and regulations; providing for the establishment of boards of adjustment in connection with land-use regulations and defining their functions and powers; and declaring that this act shall take effect immediately.

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

SECTION 1. This act shall be known and cited as Name of act.
the Soil Conservation Districts Law.

SEC. 2. It is hereby declared, as a matter of legislative determination:

(a) That the farm and grazing lands of the State Preamble.
of Washington are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this state by wind and water; that the breaking of natural grass, plant and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaus-

tion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any land owner to conserve the soil and control erosion upon his lands causes a washing and blowing of soil and water from his lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

Consequences
of soil
erosion.

(b) That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other prop-

erty from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming and grazing.

(c) That to conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops; retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

Conservation
necessary.

(d) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil and soil resources of this state, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

Legislative
policy.

SEC. 3. Wherever used or referred to in this act, unless a different meaning clearly appears from the context:

Definitions:

- "District." (1) "District" or "soil conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.
- "Supervisor." (2) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.
- "Committee." (3) "Committee" or "State Soil Conservation Committee" means the agency created in section 4 of this act.
- "Petition." (4) "Petition" means a petition filed under the provisions of sub-section (a) of section 5 of this act for the creation of a district.
- "Nominating petition." (5) "Nominating petition" means a petition filed under the provisions of section 6 of this act to nominate candidates for the office of supervisor of soil conservation district.
- "State." (6) "State" means the State of Washington.
- "Agency of this state." (7) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.
- "United States." (8) "United States" or "agencies of the United States" include the United States of America, the soil conservation service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.
- "Government." (9) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.
- "Land owner." (10) "Land owner" or "owner of land" includes any person, firm, or corporation who shall hold legal or equitable title to any lands lying within a district organized under the provisions of this act.

(11) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates. "Due notice."

SEC. 4 (a) There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this act, the State Soil Conservation Committee. The committee shall consist of five members; the Director of the Washington State Extension Service; the Director of the Washington State Agricultural Experiment Station located at Pullman, Washington; the Washington State Director of Agriculture residing at Olympia, Washington; and two farm members, who are the owners of farm lands in Washington, to be appointed by the Governor of Washington. The committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this act.

State Soil
Conservation
Committee.

(b) The State Soil Conservation Committee may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compen-

Personnel.

Attorney
General legal
adviser.

Headquar-
ters.

Chairman.

To serve
without com-
pensation.

Surety
bonds.

Annual audit.

sation. The committee may call upon the Attorney General of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. The headquarters of the state committee shall be at the State College of Washington in Pullman, Washington. Upon request of the committee, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning shall, insofar as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the committee members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the committee may request.

(c) The committee shall designate its chairman, and may from time to time, change such designation. A member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The chairman and members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

(d) In addition to the duties and responsibilities hereinafter conferred upon the state soil conservation committee, it shall have the following duties and responsibilities:

Further duties and responsibilities.

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

(2) To keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several soil conservation districts organized hereunder so far as this may be done by advice and consultation.

(4) To secure the cooperation of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

SEC. 5. (a) Any twenty-five (25) owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Soil Conservation Committee asking that a soil conservation district be organized to function in the territory described in the petition. Such petition shall set forth:

Petition for soil conservation district.

Requisites.

(1) The proposed name of said district;

(2) That there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the territory described in the petition;

(3) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate;

(4) A request that the State Soil Conservation Committee duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a soil conservation district in such territory; and that the committee determine that such a district be created.

Where more than one petition is filed covering parts of the same territory, the State Soil Conservation Committee may consolidate all or any such petitions.

Notice of hearing.

(b) Within thirty (30) days after such a petition has been filed with the State Soil Conservation Committee, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district,^o upon the propriety of the petition and other proceedings taken under this act, and upon all questions relevant to such inquiries. All owners of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the committee shall

determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivisions, the boundaries of such district. In making such determination and in defining such boundaries, the committee shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included with such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other soil conservation districts already organized or proposed for organization under the provisions of this act, and such other physical, geographical, and economic factors as are relevant, having due regard to the legislative determinations set forth in section 2 of this act: *Provided, however,* That the boundaries of such district shall not include any area or territory within any railroad right of way. The territory to be included within such boundaries need not be contiguous. If the committee shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon.

Committee
to consider
relevant
facts.

Subsequent
petitions.

Necessity determined and boundaries fixed.

Referendum.

Ballots.

Only land owners eligible to vote.

Expenses of hearings and referenda.

(c) After the committee has made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon soil conservation districts in this act is administratively practicable and feasible. To assist the committee in the determination of such administrative practicability and feasibility, it shall be the duty of the committee, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold a referendum within the proposed district upon the proposition of the creation of the district, and to cause due notice of such referendum to be given. The question shall be submitted by ballots upon which the words "For creation of a soil conservation district of the lands below described and lying in the county or counties of _____; and _____" and "Against creation of a soil conservation district of the lands below described and lying in the county or counties of _____ and _____" shall appear with square before each proposition and a direction to insert an X in the square before one or the other of said propositions as the voter may favor or oppose creation of such district. The ballot shall set forth the boundaries of such proposed district as determined by the committee. All owners of lands lying within the boundaries of the territory, as determined by the State Soil Conservation Committee, shall be eligible to vote in such referendum. Only such land owners shall be eligible to vote.

(d) The committee shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda, and shall supervise the conduct of such hearings and referenda. It shall issue

appropriate regulations governing the conduct of such hearings and referenda, and providing for the registration prior to the date of the referendum of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

Informalities shall not invalidate referendum.

(e) The committee shall publish the result of such referendum and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the committee shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the committee shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the committee shall give due regard and weight to the attitudes of the owners of lands lying within the defined boundaries, the number of land owners eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the land owners of the proposed district, the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in section 2 of this act: *Provided, however,* That the committee shall not have authority to determine that the operation of the pro-

Committee to determine feasibility of operation of district.

Determination of board unauthorized unless favored by majority vote of electors.

posed district within the defined boundaries is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of creation of the district shall have been cast in favor of the operation of such district.

Appointment
of
supervisors.

(f) If the committee shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two (2) supervisors to act, with the three (3) supervisors elected as provided hereinafter, as the governing body of the district. Such district shall be a governmental subdivision of this state and a public body corporate and politic, upon the taking of the following proceedings:

District gov-
ernmental
subdivision.

Application
to organize
district and
statement.

The two (2) appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth (and such application need contain no detail other than the mere recitals): (1) that a petition for the creation of the district was filed with the State Soil Conservation Committee pursuant to the provisions of this act, and that the proceedings specified in this act were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this act; and that the committee has appointed them as supervisors; (2) the name and official residence of each of the supervisors, together with the certified copy of the appointments evidencing their right to office; (3) the term of office of each of the supervisors; (4) the name which is proposed for the district; and (5) the location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by the laws of this state to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the

applications, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a statement by the State Soil Conservation Committee, which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; that the committee did duly determine that there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the proposed territory and did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast in such referendum to be in favor of the creation of the district; that thereafter the committee did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the committee.

The Secretary of State shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other soil conservation district of this state or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record them in an appropriate book of record in his office. If the Secretary of State shall find that the name proposed for the district is identical with that of any other soil conservation district of this state, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the State Soil Conservation Committee, which shall thereupon submit to the Secretary of State a new name for the said district, which shall not be subject to such defects. Upon receipt of such new name, free of such defects, the Secretary of State shall record the application and statement, with the name so modified, in an ap-

Secretary of
State to file
and record
application.

Certificate of organization of district.

appropriate book of record in his office. When the application and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this state and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the state, of the due organization of the said district, and shall record such certificate with the application and statement. The boundaries of such district shall include the territory as determined by the State Soil Conservation Committee as aforesaid but in no event shall they include any area included within the boundaries of another soil conservation district organized under the provisions of this act.

Subsequent petitions.

(g) After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Committee that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed as aforesaid, and action taken thereon in accordance with the provisions of this act.

Petitions to include additional territory within existing district.

(h) Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Committee, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The committee shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this act for petitions to organize a district. Where the total number of land owners in the area proposed for inclusion shall be less than twenty-five (25), the petition may be filed when signed by a majority of the land owners of such area, and in such case no referendum need be held. In referenda upon petitions for such inclusion, all owners of land lying

within the proposed additional area shall be eligible to vote.

(i) In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate duly certified by the Secretary of State shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of the filing and contents thereof.

Proof
of establish-
ment of
district.

SEC. 6. Within thirty (30) days after the date of issuance by the Secretary of State of a certificate of organization of a soil conservation district, nominating petitions may be filed with the State Soil Conservation Committee to nominate candidates for supervisors of such district. The committee shall have authority to extend the time within which the nominating petitions may be filed. No such nominating petition shall be accepted by the committee, unless it shall be subscribed by twenty-five (25) or more owners of lands lying within the boundaries of such district. Land owners may sign more than one such nominating petition to nominate more than one candidate for supervisor. The committee shall give due notice of an election to be held for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear, arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and a direction to insert an X mark in the square before any three (3) names to indicate the voter's preference. All owners of lands lying within the district shall be eligible to vote in such election. Only land owners shall be eligible

Petitions
to nominate
candidates.

Ballots.

Electors.

to vote. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The committee shall pay all the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

Supervisors
governing
body of
district.

SEC. 7. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided hereinabove. The two (2) supervisors appointed by the committee shall be persons who are by training and experience qualified to perform the specialized skilled services which will be required of them in the performance of their duties hereunder.

Chairman.

The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be three (3) years, except that the supervisors who are first appointed shall be designated to serve for terms of one (1) and two (2) years, respectively, from the date of their appointment. A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring supervisors shall, respectively, have been selected. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for his services.

Personnel.

The supervisors may employ secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may re-

quire, and shall determine their qualifications, duties, and compensation. The supervisors may call upon the Attorney General of the state for such legal services as they may require, or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the State Soil Conservation Committee, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act.

Legal
advisers.

Supervisors
to furnish
committee
copies of
ordinances.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules, regulations, ordinances and orders issued or adopted; which resolutions, regulations, orders and ordinances shall be at all times open to public inspection and remain in the custody and control of the chairman of the board of supervisors of the particular district; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the State Soil Conservation Committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

Duties.

Removal.

The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Advisers.

District constitutes governmental subdivision.

SEC. 8. A soil conservation district organized under the provisions of this act shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers. Such soil conservation district, however, shall not have the power to levy taxes or issue bonds. Such districts, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this act:

Powers:

Surveys.

(1) To conduct in cooperation with the State College of Washington, the United States Department of Agriculture, and other state and Federal agencies, surveys relating to the character of soil erosion and the preventive and control measures needed, to publish the results of such surveys, and to disseminate information concerning such preventive and control measures.

Demonstrational projects.

(2) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner of such lands or the necessary rights or interest in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled;

Preventive and control measures.

(3) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in sub-section (c) of section 2 of this act, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district

upon obtaining the consent of the owner of such lands or the necessary rights or interests in such lands;

(4) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of erosion-control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this act;

Financial aid for erosion control.

(5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, but not by condemnation or eminent domain, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

Acquisition and disposal of property.

(6) To make available, on such terms as it shall prescribe, to land owners within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such land owners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

Equipment and seed available to land owners.

(7) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this act;

Structures maintained.

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which

Development of plans.

plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the district;

District may
take over
project
within
boundaries.

(9) To take over, by purchase, lease, or otherwise, and to administer, any soil-conservation, erosion-control, or erosion-prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

Actions.

Seal.

(10) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act, to carry into effect its purposes and powers;

(11) As a condition to the extending of any benefits under this act to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may accept contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may encourage land owners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Contributions.

SEC. 9. The supervisors of any district shall have authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work. The supervisors shall not have authority to promulgate such land-use regulations until after they have caused due notice to be given of their intention to conduct a referendum for submission of such regulations to the owners of lands lying within the boundaries of the district for their indication of approval or disapproval of such proposed regulations, and until after the supervisors have considered the result of such referendum. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No., prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of pro-

Land-use regulations.

Referendum for adoption of regulations.

posed ordinance No. _____, prescribing land-use regulations for conservation of soil and prevention of erosion" shall appear, with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose approval of such proposed ordinance. The supervisors shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All owners of lands within the district shall be eligible to vote in such referendum. Only such land owners shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

Two-thirds
of votes
required.

The supervisors shall not have authority to promulgate such proposed ordinance unless at least two-thirds of the votes cast in such referendum shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by the said two-thirds votes cast in such referendum shall not be deemed to require the supervisors to promulgate such proposed ordinance.

Amendment
or repeal of
land-use
regulations.

Any owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under the provisions of this section shall be amended, supplemented, or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this section for adoption of land-use regulations. Referenda on adoption, amendment, supplementation, or repeal of land-use

regulations shall not be held more often than once in six (6) months.

Referenda,
held when.

The regulations to be adopted by the supervisors under the provisions of this section may include:

Regulations
which may
be adopted.

(1) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

(2) Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation;

(3) Specifications of cropping programs and tillage practices to be observed;

(4) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

(5) Provisions for such other means, measures, operations, and programs as may assist conservation of soil resources and prevent or control soil erosion in the district, having due regard to the legislative findings set forth in section 2 of this act.

The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type, degree of slope, amount of precipitation, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all owners of lands lying within the district.

Uniform
regulations.

Copies
available
to land
owners.

Determina-
tion of
compliance
with
regulations.

SEC. 10. The supervisors may have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of section 9 of this act are being observed. In the event of non-observance of the provisions of section 9, said supervisors shall give the land owner written notice of such non-compliance.

Failure of
landowner
to observe
land-use
regulations.

SEC. 11. Where the supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of section 9 hereof are not being observed on particular lands, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to the Superior Court for the county within which the lands of the defendant may lie, a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant land owner to observe such regulations, and to perform particular work, operations, or avoidance as required thereby, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time. Upon the presentation of such petition, the court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

Petition to
superior
court.

Proceedings.

SEC. 12. (a) Where the supervisors of any district organized under the provisions of this act shall adopt an ordinance prescribing land-use regulation in accordance with the provisions of section 9 hereof, they shall further provide by ordinance for the establishment of a board of adjustment. Such board of adjustment shall consist of three (3) members, each to be appointed for a term of three (3) years, except that the members first appointed shall be appointed for terms of one (1), two (2), and three (3) years, respectively. The members of each such board of adjustment shall be appointed by the State Soil Conservation Committee, with the advice and approval of the supervisors of the district for which such board has been established, and shall be removable, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason, such hearing to be conducted jointly by the State Soil Conservation Committee and the supervisors of the district. Vacancies in the board of adjustment shall be filled in the same manner as original appointments, and shall be for the unexpired term of the member whose term becomes vacant. Members of the State Soil Conservation Committee and the supervisors of the district shall be ineligible to appointment as members of the board of adjustment during their tenure of such office.

Board of
adjustment.

(b) The board of adjustment shall adopt rules to govern its procedures, which shall be in accordance with the provisions of this act and with the provisions of any ordinance adopted pursuant to this section. The board shall designate a chairman from among its members, and may, from time to time, change such designation. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Any two (2) members of the board shall constitute a quorum. The chairman, or in his absence such other member

of the board as he may designate to serve as acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

Petition
to board.

(c) Any land owner may file a petition with the board of adjustment alleging that there are great practical difficulties or unnecessary hardship in the way of carrying out upon his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors, and praying the board to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands occupied by the petitioner. Copies of such petition shall be served by the petitioner upon the chairman of the supervisors of the district within which his lands are located and upon the chairman of the State Soil Conservation Committee. The board of adjustment shall fix a time for the hearing of the petition and cause due notice of such hearing to be given. The supervisors of the district and the State Soil Conservation Committee shall have the right to appear and be heard at such hearing. Any owner of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings. Any party to the hearing before the board may appear in person, by agent, or by attorney. If, upon the facts presented at such hearing, the board shall determine that there are great practical difficulties or unnecessary hardship in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner, it shall make and record such determination and shall make and record findings of fact as to the specific conditions which

establish such great practical difficulties or unnecessary hardship. Upon the basis of such findings and determination, the board shall have power by order to authorize such variance from the terms of the land-use regulations, in their application to the lands of the petitioner, as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest, and such that the spirit of the land-use regulations shall be observed, the public health, safety, and welfare secured, and substantial justice done.

Board may authorize variance from terms of land-use regulations.

(d) Any petitioner aggrieved by an order of the board granting or denying, in whole or in part, relief sought, the supervisors of the district, or any intervening party, may obtain a review of such order in the Superior Court for the county within which the lands of the petitioner may lie, by filing in such court a petition praying that the order of the board be modified or set aside. A copy of such petition shall forthwith be served upon the parties to the hearing before the board and thereupon the party seeking review shall file in the court a transcript of the entire record in the proceedings, certified by the board, including the documents and testimony upon which the order complained of was entered, and the findings, determination, and order of the board. Upon such filing, the court shall cause notice thereof to be served upon the parties and shall have jurisdiction of the proceedings and of the questions determined or to be determined therein, and shall have power to grant such temporary relief as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order of the board. No contention that has not been urged before the board shall be considered by the court unless the failure or neglect to urge such contention shall be excused because of extraordinary

Appeal to superior court.

circumstances. The findings of the board as to the facts, if supported by evidence, shall be conclusive. If any party shall apply to the court for leave to produce additional evidence and shall show to the satisfaction of the court that such evidence is material and that there were reasonable grounds for the failure to produce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made a part of the transcript. The board may modify its findings as to the facts or make new findings, taking into consideration the additional evidence so taken and filed, and it shall file such modified or new findings which, if supported by evidence, shall be conclusive, and shall file with the court its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review in the same manner as are other judgments or decrees of the court.

Cooperation
between
districts.

SEC. 13. The supervisors of any two or more districts organized under the provisions of this act may cooperate with one another in the exercise of any or all powers conferred in this act.

Cooperation
of state
agencies.

SEC. 14. Agencies of this state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and of any county, or other governmental subdivision of the state, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, may cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this act.

SEC. 15. At any time after five (5) years after the organization of a district under the provisions of this act, any fifteen (15) owners of land lying within the boundaries of such district may file a petition with the State Soil Conservation Committee praying that the operations of the district be terminated and the existence of the district discontinued. The committee may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the committee it shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words "For terminating the existence of the (name of the soil conservation district to be here inserted)" and "Against terminating the existence of the (name of the soil conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All owners of lands lying within the boundaries of the district shall be eligible to vote in such referendum. Only such land owners shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

Petition for
termination
of district.

Ballot.

The committee shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the committee

Denial of
petition.

Approval of
petition.

shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the committee shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the committee shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of land owners eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land owners of the district, the probable expense of carrying on erosion control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in section 2 of this act: *Provided, however,* That the committee shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a two-thirds majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district.

Procedure
for termi-
nation of
district.

Upon receipt from the State Soil Conservation Committee of a certification that the committee has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly veri-

fied, with the Secretary of State for the discontinuance of such district, and shall transmit with such application the certificate of the State Soil Conservation Committee setting forth the determination of the committee that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The Secretary of State shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

Certificate of dissolution.

Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Soil Conservation Committee shall be substituted for the district or supervisors as party to such contracts. The committee shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of section 11 of this act, nor the pendency of any action instituted under the provisions of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

Effect of dissolution of district.

The State Soil Conservation Committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act, more often than once in five (5) years.

Partial
invalidity.

SEC. 16. If any provision of this act, or the application of any provision to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Provisions
of act
controlling.

SEC. 17. In so far as any of the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling: *Provided, however,* That none of the provisions of this act shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized hereunder.

Effective im-
mediately.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 18, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 188.

[S. B. 359.]

WASHINGTON STATE ASSOCIATION OF COUNTY
COMMISSIONERS.

AN ACT relating to counties, recognizing the need for uniformity and co-ordination of county administrative programs, directing county commissioners jointly to prepare annual reports on county operations and to submit to the Legislature recommendations on improvement of county administrative precedures, authorizing the designation of the Washington State Association of County Commissioners as a co-ordinating agency in the execution of the act, permitting counties to reimburse the association for services so rendered, and authorizing commissioners to attend inter-county meetings.

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

SECTION 1. That the public necessity for the co-ordination of county administrative programs, especially in the fields of highways and social security, be and is hereby recognized.

Public
necessity.

SEC. 2. That it shall be the duty of County Commissioners to take such action as may by them be deemed necessary to effect co-ordination of such administrative programs, to prepare reports annually on the operations of all departments under their jurisdiction, and to submit biennially to the Governor and the State Legislature their joint recommendations on procedural changes which would increase the efficiency of any department.

Reports and
recommen-
dations.

SEC. 3. County Commissioners are hereby empowered to designate the Washington State Association of County Commissioners as a co-ordinating agency in the execution of duties imposed by this act and to reimburse said association from county current expense funds in the County Commissioners' budget for the costs of any such services rendered: *Provided*, Such reimbursement shall be paid only on vouchers submitted to the County Auditor and ap-

Reimburse-
ment for
services
rendered.

proved by the Board of County Commissioners in the manner provided for the disbursement of other current expense funds and such vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed: *Provided, further,* The total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the revenues of one one hundredth (.01) of a mill levy against the assessed valuation of said county.

Further
authori-
zation.

SEC. 4. County Commissioners are hereby authorized to take such other and further action as may be deemed necessary to the compliance with the intent of this act, including attendance at such state or district meetings as may be required to formulate the reports herein directed.

Passed the Senate February 25, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 189.

[S. B. 402.]

SUPERIOR COURT JUDGES.

AN ACT relating to the payment of salaries of judges of the Superior Court, amending section 2, chapter 30, Laws of 1893.

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

SECTION 1. Section 2, chapter 30, Laws of 1893 (section 10967, Remington's Revised Statutes) is hereby amended to read as follows:

Section 2. The County Auditor of each county shall draw his warrant on the Treasurer of such county on the first Monday of each month for the amount of salary due for the previous month from

Amends
§ 10967 Rem.
Rev. Stat.

such county to the Judge of the Superior Court thereof, and said warrant shall be paid by said Treasurer out of the salary fund of said county: *Provided*, That no such warrant shall be issued until the judge who is to receive the same shall have made an affidavit, in the manner provided by law, that no cause in his court remains pending and undecided contrary to the provisions of section 12, page 344, Session Laws of 1889-1890 (section 39, Remington's Revised Statutes) and of section 20, article 4, Constitution of the State of Washington.

Salary
warrant
issued upon
affidavit.

Passed the Senate February 25, 1939.

Passed the House March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 190.

[S. B. 408.]

MANUFACTURE AND DISTRIBUTION OF MACARONI PRODUCTS.

AN ACT relating to macaroni products; bringing the laws of this state into conformity with regulations of the Federal Trade Commission; regulating the manufacture and distribution of macaroni products; defining terms; providing for permits and certificates and the procedure for revocation or suspension thereof; establishing standards for the prevention of frauds and the protection of public health; and prescribing penalties.

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

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state; it is hereby found and declared that the public welfare requires control and regulation of the manufacture and distribution of macaroni, noodles and related products and of persons engaged therein, in order that there may be prevented or eliminated insani-

Purpose
of act.

tary, unhealthful, fraudulent, unfair or uneconomic practices and conditions in connection with such manufacture or distribution which endanger public health, defraud consumers, and jeopardize the public source and supply of a nourishing, healthful food. It is further found and declared that the regulation of the commercial manufacture and distribution of macaroni, noodles and related products as provided by this act is in the interest of the economic and social well being and the health and safety of the state and its people, and is a necessary subject for immediate general legislation operating uniformly throughout the state.

Definitions.

SEC. 2. Except where the context indicates a different meaning, terms used in this act shall be interpreted and construed as defined herein.

"Macaroni products."

SEC. 3. "Macaroni products" shall mean and include macaroni, spaghetti, vermicelli, noodles and all related products in whatever form or style the same may be prepared.

"Macaroni factory."

SEC. 4. "Macaroni factory" shall mean any place, premises or establishment where any macaroni products are regularly prepared, processed or manufactured for sale rather than for consumption on such premises.

"Person."

SEC. 5. "Person" shall include an individual, partnership, corporation, association or club.

"Distributor."

SEC. 6. "Distributor" shall mean any person engaged within this state in the sale or distribution of any macaroni product by some method other than exclusively at retail at a fixed place or places of business, but shall not include any person distributing or selling macaroni products manufactured in a macaroni factory licensed under this act.

Macaroni factory permit.

SEC. 7. No person shall operate, or participate in the management and operation of any macaroni factory within this state without a macaroni factory

permit therefor, under the provisions of this act. Application for such permit shall be made in writing and under oath to the Director of Agriculture, upon such forms and with such pertinent information as he shall require.

SEC. 8. No person shall engage within this state in the business of distributor without a permit to do so. Application for such permit shall be made in writing and under oath to the Director of Agriculture upon such form as shall be prescribed and supplied by him.

Distributor's permit.

SEC. 9. There shall be paid to the Director of Agriculture with each application for a macaroni factory permit or distributor's permit or for renewal of such permit an annual fee of twenty-five dollars (\$25), and the funds derived therefrom shall be disbursed by the Director of Agriculture for the administration and enforcement of this act.

Annual fee.

SEC. 10. Each permit provided in this act shall expire on December 31, following its date of issue, unless sooner revoked for cause. Renewal thereof may be obtained from the director by surrendering the previous year's permit and paying the permit fee. No permit shall be transferable nor shall it be applicable to any location other than that for which it was originally issued. Upon change of ownership or management of any macaroni factory the new owner or manager before assuming control shall notify the Director of Agriculture of the change in writing and obtain a new permit covering that establishment.

Expiration of permit.

Not transferable.

SEC. 11. The Director of Agriculture may cancel or suspend any permit provided in this act if upon investigation he determines (1) that the permittee has violated any provision of this act or of any other law of this state relating to the operation of factories for the manufacture or handling of any macaroni

Cancellation or suspension of permit.

product, or any regulation effective thereunder; or (2) that the factory premises or any equipment of the permittee used therein or in connection therewith is in an insanitary condition and that the permittee has failed or refused to remedy such condition within ten (10) days after written notice to do so from the director.

Notice to
permittee.

SEC. 12. No permit shall be revoked or suspended by the director until after a written statement of the grounds therefor has been served upon the permittee and he is given at least ten (10) days within which to answer such charge. For the purpose of making an investigation or of conducting a hearing with reference to such proposed revocation or suspension, the Director of Agriculture shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of books, papers, documents and testimony.

Appeal
from order.

SEC. 13. Within thirty (30) days after an order revoking or suspending a permit is made by the Director of Agriculture any party aggrieved thereby may appeal to the superior court of the county of his residence in this state. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail or personally on the Director of Agriculture. The Director shall, within twenty (20) days after receipt of such notice of appeal, serve and file notice of appearance and such appeal shall thereupon be deemed at issue. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No bond shall be required on such appeal but such appeal shall not stay proceedings before the director. The trial of said issues shall be by the court, and an appeal shall lie from its judgment as in other civil cases.

SEC. 14. Service as required in this act may be made by registered mail, return receipt requested, addressed to the permittee at the address given by him in his most recently filed application for a permit.

Service.

SEC. 15. No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any macaroni factory.

Diseased persons.

SEC. 16. No person shall work or be permitted to work in any macaroni factory in storing, preparing, mixing or handling any macaroni product or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars (\$2), which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. When such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this act.

Health certificate.

Physician's fee.

Renewal of certificate.

SEC. 17. Any certificate provided under section 16 of this act shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a macaroni factory to submit to proper and reasonable physical examination upon written demand of the State Board of Health or the Director of Agriculture shall be cause for revocation of that person's health certificate.

Certificate revoked.

Refusal to submit to examination.

SEC. 18. The Director of Agriculture shall have the right to inspect any macaroni factory for which

Inspection of
factories.

a permit has been issued under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable either to macaroni factories or macaroni products, and of all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a macaroni factory or distributor holding a permit under this act in transporting or distributing any macaroni products within this state.

Statement of
prices filed
and posted.

SEC. 19. Each person hereafter operating a macaroni factory or operating as a distributor, shall file with the Director of Agriculture in duplicate and under oath a written statement of all prices, discounts, rebates, allowances and other terms or conditions of sale or payment, thereafter by him to be quoted, offered, charged, made or allowed upon each kind of macaroni product offered by him for sale in this state, and shall keep a true and complete copy of said statement posted conspicuously at each of his places of such business within this state, or, if no fixed place of business is maintained, upon each vehicle used in distribution of macaroni products. Such statement may be revised or added to by filing with the Director of Agriculture a supplementary written statement in duplicate and under oath, the revision or addition to become effective not less than ten (10) days after its receipt by the director.

Provisions
applicable,
when.

SEC. 20. On and after fifteen (15) days after the effective date of this act no person shall sell, or display or offer for sale within this state any macaroni product the price and terms and conditions of sale of which have not been filed and posted as provided in this act, nor shall any price be quoted nor any term, condition, rebate, discount, or allowance, be offered or accepted, unless the applicable price, term, condition, rebate, discount or allowance specified for that type of macaroni product is contained in

the statement of that person then on file with the Director of Agriculture and posted as provided in this act.

SEC. 21. In addition to the acts by this act made unlawful, it shall be unlawful in connection with the operation of any macaroni factory or the sale or distribution of any macaroni product:

Prohibited acts.

(a) To sell, advertise, describe, brand, mark, label or pack macaroni or any simulation or imitation thereof in a manner which is calculated to mislead or deceive or has the tendency or capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, substance, character, nature, origin, size, material, content, composition, color, preparation, or manufacture of such products or in any material respect.

(b) To sell, offer for sale, advertise, describe, brand, label or otherwise represent any macaroni or noodle product as being a semolina or farina product when such is not true and correct.

(c) To use yellow coloring in, or yellow transparent containers for, any macaroni product in such manner as deceptively to import or imply to purchasers, prospective purchasers or the consuming public that such product contains egg in greater proportion than is in fact present, or in such manner as to mislead or deceive in any other respect.

(d) To advertise, describe, brand, label, or otherwise represent any product as containing a food ingredient which is not macaroni, found, or is not present in the advertised quantities, resulting in purchasers, prospective purchasers or the consuming public being misled or deceived.

(e) To use photographs, cuts, engravings, illustrations or pictorial or other adoptions or devices of industry products in catalogs, sales literature or advertisements or on packages or containers or other-

wise in such manner as to have the capacity and tendency or effect of misleading or deceiving the purchaser or consuming public as to the grade, quality, quantity, substance, character, nature, origin, size, material content, composition, coloring, preparation or manufacture of such products.

(f) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standings, or any other false representations, or falsely to disparage the grade, quality or manufacture of the products of competitors or of their business method, selling price, values, grade, terms, policies or services.

(g) To fail to brand, mark or identify macaroni products so as to disclose their true character, where such failure has the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public.

Penalty.

SEC. 22. Any person violating any provision of this act shall be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Partial
invalidity.

SEC. 23. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Passed the Senate March 3, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 191.

[S. B. 438.]

COUNTY PUBLIC HEALTH WORK.

AN ACT relating to public health; providing for the preparation of county budgets for county public health work, authorizing certain expenditures and declaring an emergency.

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

SECTION 1. Each Board of County Commissioners shall annually budget for public health work in its county a sum equal to four tenths (.4) of a mill on the assessed valuation of the county or thirty cents (30¢) per capita based on the population of the county exclusive of the population of any city of the first class contained therein, whichever may be the lesser. The amount budgeted for county public health work as herein provided may be derived from the proceeds of the three-mill levy against the assessed valuation of the county for purposes of public assistance or derived from any other source of county revenue. Nothing herein contained shall prohibit counties from budgeting additional sums for public health work.

Budget for health work.

SEC. 2. The Director of the State Department of Health is hereby authorized to apportion and expend such sums as he shall deem necessary for public health work in the counties of the state, from the appropriations made to the State Department of Health for county public health work.

State funds apportioned.

SEC. 3. Each Board of County Commissioners is hereby authorized and directed to expend the sum budgeted under this act, or so much thereof as may be necessary, for public health work.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety

Effective date.

and the support of the state government, and shall take effect April 1, 1939.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 192.

[H. B. 60.]

REGULATION AND LICENSING OF PROPHYLACTICS FOR TREATMENT OF VENEREAL DISEASES.

AN ACT relating to, regulating and licensing the possession, sale and disposal of certain prophylactics, designed, intended or having special utility for the prevention and/or treatment of venereal diseases; and prescribing penalties.

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

SECTION 1. For the purposes of this act, words and phrases shall have the following meaning:

- "Board." 1. "Board" shall mean the Washington State Board of Pharmacy;
- "Wholesale." 2. "Wholesale" shall mean a sale by a manufacturer, wholesale dealer, distributor or jobber to a person who sells, or intends to sell, direct to the user, and "wholesale dealer" shall mean such a manufacturer, wholesale dealer, distributor or jobber;
- "Retail." 3. "Retail" shall mean a sale to the ultimate user, and "retail dealer" shall mean a person who so sells;
- "Prophylactic." 4. "Prophylactic" shall mean any device or medicinal preparation or compound which is or may be used, designed, intended or which has or may have special utility, for the prevention and/or treatment of venereal diseases;
- "Person." 5. "Person" shall mean either an individual, corporation, copartnership, firm or association;
- "Sell." 6. "Sell" and "sale" shall, in addition to their usual and ordinary meanings, include, possess in

violation of the intent of this act, exchange, give away or gift, or any disposal.

SEC. 2. It shall be unlawful for any person to sell any prophylactic at wholesale or at retail without having, respectively, a valid and subsisting wholesale dealer's or retail dealer's license issued under the provisions of this act; nor shall any licensed wholesale dealer make any sale other than at wholesale, nor any licensed retail dealer make any sale other than at retail.

Wholesale
or retail
dealer's
license.

SEC. 3. No retail dealer's license shall be issued to any person who does not hold a valid and subsisting license issued under the laws of the State of Washington authorizing the holder to operate a drug store, pharmacy or dispensary; nor shall any sale be made by any licentiate except in the place of business or business establishment of the licentiate.

Retail dealer
must hold
license to
operate
drug store.

SEC. 4. The fee for a wholesale dealer's license shall be twenty-five dollars (\$25.00) and for a retail dealer's license shall be one dollar (\$1.00). A separate license shall be required for each store, warehouse, establishment or place of business from which sales are made. All licenses shall expire on the 31st day of May next following the date of issue, and shall be renewed and expire annually as in the case of the original license. The board shall issue the license required upon application and exhibition of a duplicate receipt showing payment to the State Treasurer of the prescribed fee.

License fee.

Expiration
of license.

SEC. 5. It shall be unlawful for any person, except a physician and surgeon duly licensed as such under the laws of the State of Washington, to sell any prophylactic without being the holder of a valid and subsisting license issued under the provisions of this act or to sell any prophylactic except as authorized by the provisions of this act.

Seller other
than
physician
must be
licensed.

Prophylactic
must be
efficacious.

SEC. 6. No person shall sell any prophylactic which has no efficacy as an agent for the prevention and/or treatment of venereal diseases; and the action of the board in determining whether a particular prophylactic is or is not efficacious shall be conclusive, except for arbitrary, fraudulent or capricious action.

Board to
enforce act.

SEC. 7. The board shall have charge of the enforcement of this act, and to that end is authorized to make rules and regulations not inconsistent with the act: *Provided*, That failure of the board to act shall not prevent enforcement in the same manner as other penal statutes.

Board may
cancel or
suspend
licenses.

SEC. 8. The board shall have power to cancel or suspend for a definite period any license issued, or to withhold issuance of a renewal license to any licentiate who is convicted of a violation of any provisions of this act; and no license suspended shall be reinstated or new license issued to such licentiate, except at the pleasure of the board.

Seizure and
destruction
of prophylactics.

SEC. 9. The board, through its duly authorized agents, or through any state license inspector or peace officer, is authorized to seize and destroy any prophylactic which does not conform to the requirements of this act; and in any criminal proceeding instituted for violation of any of the provisions of this act, the court in which proceeding is commenced or is pending shall have power to order the seizure and destruction of any prophylactic possessed in violation of the provisions of this act.

Penalty for
violation
of act.

SEC. 10. Violation of any of the provisions of this act or of any of the rules and regulations of the board established hereunder shall be a misdemeanor.

Partial
invalidity.

SEC. 11. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of the act. The legislature

hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

Passed the House February 24, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 193.

[H. B. 78.]

EDUCATIONAL OPPORTUNITIES FOR CHILDREN OF DECEASED VETERANS.

AN ACT providing educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War or as a result of such service, and making an appropriation therefor.

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

SECTION 1. The sum appropriated under the provisions of this act shall be used for the sole purpose of providing for matriculation fees, board and room, rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-two years of age who have for twelve months had their domicile in the State of Washington, of those who were killed in action or died from other causes during the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States or as a result of such service; which children are attending or may attend a state educational or training institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

Benefits.

SEC. 2. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 3 of this act shall be payable to such institution from the fund hereby created on vouchers approved by the State Board of Education. Said board shall determine the eligibility and need of the children who may make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution and of the accuracy of the charge or charges submitted to said board by the authorities of any such institution, on account of the attendance thereat of any such children: *Provided*, That no member of said board or the secretary shall receive any compensation for such service.

Appropriation.

SEC. 3. The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby appropriated from the general fund for the fiscal biennium beginning April 1, 1939, and ending March 31, 1941, for carrying out the provisions of this act: *Provided*, That not more than one hundred and fifty dollars (\$150) shall be paid under said provisions for any one child for any one year. Any unexpended balance remaining at the end of any fiscal biennium shall revert to the general fund of the State of Washington.

Passed the House February 27, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 194.

[H. B. 113.]

CODIFICATION OF CONSTITUTIONAL PROVISIONS AND
STATUTES RELATING TO THIRD AND FOURTH
CLASS CITIES.

AN ACT relating to, and providing for, the codification, compilation and publication of constitutional provisions and state statutes relating to third and fourth class cities and towns; and making an appropriation.

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

SECTION 1. The State Auditor, through the Division of Municipal Corporations, and under the supervision of the Attorney General, shall compile a code containing all constitutional provisions and state statutes relating to third and fourth class cities and towns; and shall cause the same to be published in pamphlet form and distributed free of charge to such cities and towns for the use and guidance of their officers.

Compilation of code.

SEC. 2. There is hereby appropriated out of the general fund the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary to carry out the provisions of this act.

Vetoed.

Passed the House February 11, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 17, 1939, with the exception of section 2, which is vetoed.

CHAPTER 195.

[H. B. 128.]

REBATING OF WAGES.

AN ACT relating to labor; declaring the rebating of wages, underpayment of agreed wages and certain deductions from wages to be unlawful; providing penalties and providing a civil remedy.

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

Unlawful
acts.

SECTION 1. Any employer or officer, vice-principal or agent of any employer, whether said employer be in private business or an elected public official, who

(1) Shall collect or receive from any employee a rebate of any part of wages theretofore paid by such employer to such employee; or

(2) Wilfully and with intent to deprive the employee of any part of his wages, shall pay any employee a lower wage than the wage such employer is obligated to pay such employee by any statute, ordinance, or contract; or

(3) Shall wilfully make or cause another to make any false entry in any employer's books or records purporting to show the payment of more wages to an employee than such employee received; or

(4) Being an employer or a person charged with the duty of keeping any employer's books or records shall wilfully fail or cause another to fail to show openly and clearly in due course in such employer's books and records any rebate of or deduction from any employee's wages; or

(5) Shall wilfully receive or accept from any employee any false receipt for wages;

Penalty.

Shall be guilty of a misdemeanor. Any employee who shall accept or continue in the employment of any employer who is guilty of any of the above violations, with knowledge that such employer is guilty thereof, shall be guilty of a misdemeanor.

SEC. 2. The provisions of section 1 shall not make

it unlawful for an employer to withhold or divert any portion of an employee's wages when required or empowered so to do by state or federal law or when a deduction has been expressly authorized in writing in advance by the employee for a lawful purpose accruing to the benefit of such employee nor shall the provisions of section 1 make it unlawful for an employer to withhold deductions for medical, surgical, or hospital care or service, pursuant to any rule or regulation: *Provided*, That the employer derives no financial benefit from such deduction and the same is openly, clearly and in due course recorded in the employer's books.

Authorized deductions.

SEC. 3. Any employer and any officer, vice-principal or agent of any employer who shall violate any of the provisions of subdivisions (1) and (2) of section 1 shall be liable in a civil action by the aggrieved employee or his assignee to judgment for twice the amount of the wages unlawfully rebated or withheld by way of exemplary damages, together with costs of suit and a reasonable sum for attorney's fees: *Provided, however*, That the benefits of this section shall not be available to any employee who has knowingly submitted to such violations.

Civil actions.

SEC. 4. The violations by an employer or any officer, vice-principal, or agent of any employer of any of the provisions of subdivisions (3), (4), and (5) of section 1 shall raise a presumption that any deduction from or underpayment of any employee's wages connected with such violation was wilful.

Deduction presumed wilful.

SEC. 5. If any section, sub-section, sentence or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, sub-section, sentence or clause thereof not adjudged unconstitutional.

Partial invalidity.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 196.

[H. B. 132.]

DISEASED ANIMALS.

AN ACT relating to diseased animals, providing for payment of indemnities therefor, amending section 12 of chapter 165 of the Laws of 1927 as amended by section 1 of chapter 146 of the Laws of 1937, making an appropriation, and declaring an emergency.

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

Amends
§ 3121 Rem.
Rev. Stat.;
§ 2031-32 P. C.

SECTION 1. That section 12 of chapter 165 of the Session Laws of 1927 as amended by section 1 of chapter 146 of the Laws of 1937 (section 3121 of Remington's Revised Statutes; section 2031-32 of Pierce's Code) is hereby amended to read as follows:

Indemnity or
quarantine
optional.

Section 12. If, on the completion of any examination and test as provided in the preceding section, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or Bang's disease, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value. In the event of their failing to agree upon the value, the inspector shall apply to the Judge of the Superior Court of the county where the animal is located to appoint a third appraiser, and the decision of the majority of the appraisers shall be final. All bovine animals which have shown a suspicious reaction to the test on three successive tests for tuberculosis or Bang's disease and are held as suspects may be slaughtered under the provisions of this act at the option of the owner and approval of the director or his representative and the owner shall have a valid claim for indemnity to the same extent and in the

Appraisal.

same amount as for bovine animals which give a positive reaction to the above test.

The owner, or his agent, of any bovine animal thus appraised shall market the animal within thirty days from the date of appraisal and shall obtain from the purchaser a report in quadruplicate, upon blank forms to be furnished by the inspector, certifying to the amount of money actually paid for the animal or animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the Director of Agriculture, or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States Bureau of Animal Industry. Upon the receipt of said report, in quadruplicate, certifying to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws and regulations, the Director of Agriculture shall cause to be paid to the owner or owners of the animals one-third of the difference between the appraised value of each animal so slaughtered and the value of the salvage thereof: *Provided*, That in no case shall any payment by the Director of Agriculture be more than twenty-five dollars (\$25.00) for any grade female, or more than fifty dollars (\$50.00) for any pure bred registered bull or female, and in no case shall any indemnity be paid for grade bulls or for steers, and that no indemnity shall be paid for animals slaughtered on account of tuberculosis to any person who has not owned such animal for six months prior to the date such examination or test is made, and the state shall not be required to pay the owner of any

Sale.

Certificate as to price paid.

Animals slaughtered under supervision of veterinary inspector.

Payment to owner.

animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state. Every appraiser appointed by the Judge of the Superior Court as hereinabove provided shall receive his actual and necessary traveling expenses and a per diem of three dollars (\$3.00) for the time actually spent to be paid by the state. The expenses of herding, caring for, feeding, transporting and slaughtering animals under the provisions of this section shall be paid by the owner thereof.

Appraisers' fees.

SEC. 2. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of the general fund of the state treasury for the payment of indemnities to the owners of cattle slaughtered in the eradication of tuberculosis and Bang's disease, for the fiscal biennium beginning April 1, 1939, and ending March 31, 1941, and for deficiencies for the fiscal biennium beginning April 1, 1937, and ending March 31, 1939, incurred in the eradication of tuberculosis and Bang's disease:

- For tuberculosis indemnities, including deficiencies\$ 50,000.
- For Bang's disease indemnities, including deficiencies\$450,000.

Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 8, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 197.

[H. B. 135.]

WASHINGTON COMMISSION MERCHANTS ACT.

AN ACT relating to persons engaged in buying and selling agricultural products; providing for licenses; providing for hearings; defining "agricultural products," "commission merchant and credit buyer," "agent," "consignor," "retail merchant," "broker," and other terms; exempting producers, retail merchants, certain non-profit cooperative marketing associations, certain processors, certain warehousemen, nurserymen, and certain grain dealers from certain provisions of this act; requiring commission merchants and credit buyers to have bonds; requiring all licensees to carry public liability and property damage insurance; requiring a deposit for tax purposes; requiring that manifests of cargo and other pertinent information be furnished to the Director; requiring commission merchants and credit buyers to give certain information to consignors; providing for suit by the Director on the bonds of commission merchants and credit buyers; setting up certain grounds for denying or revoking a license; giving the Director the right to enter and inspect the premises of any licensee; repealing chapter 67 of the Session Laws of 1937 (section 8292, section 8292-1, section 8293, section 8294, section 8295, section 8296, section 8298, section 8299, section 8300, section 8302, section 8302-1, and section 8302-2 of Remington's Revised Statutes; sections 1417-41 to 1417-52, inclusive, of Pierce's Code); and providing penalties.

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

- SECTION 1. This act shall be known and cited as the Washington commission merchants act. Short title.
- SEC. 2. The definitions as given in this act shall apply unless the context clearly indicates otherwise. Definitions:
- SEC. 3. The term "director" whenever used in this act shall mean the Director of Agriculture of the State of Washington or his duly authorized representative. "Director."
- SEC. 4. The term "person" whenever used in this act shall mean and include any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors. "Person."

"Agricultural product."

SEC. 5. The term "agricultural product" whenever used in this act shall include any horticultural, viticultural, berry, poultry, grain, livestock, bee or other farm product.

"Commission merchant and credit buyer."

SEC. 6. "Commission merchant and credit buyer" whenever used in this act shall include any person who receives any agricultural product to be sold on commission or for or on behalf of another with or without compensation, or who purchases or receives any agricultural product and who fails to pay in full for such product at the time of receiving it or at the time its value may be determined, or who may contract with growers in such manner that the grower accepts seed as bailee and agrees to return the crop grown from such seed, the grower to be paid for services rendered in producing said crop.

"Cash buyer."

SEC. 7. "Cash buyer" whenever used in this act shall include any person who shall purchase or offer to purchase any agricultural product as herein defined for the purpose of processing or resale and who shall pay in full in cash or by check that shall be paid on presentation, for such agricultural product at the time of receiving it or at the time the price of such agricultural product may be determined if such price or value is subject to determination by inspection, grade, test or pack-out.

"Consignor."

SEC. 8. "Consignor" whenever used in this act shall mean any person forwarding, delivering, consigning, shipping or selling as the producer thereof any agricultural product to any commission merchant and credit buyer or cash buyer for resale or processing.

"Agent."

SEC. 9. "Agent" shall mean any employee of a commission merchant and credit buyer or cash buyer and who operates all or a portion of his term of employment at any location or on any route within the state other than the principal place of business of his

employer, and who is charged with the receiving, purchasing, or soliciting of agricultural products from the seller for the exclusive account of his employer.

SEC. 10. "Bona fide fixed or permanent location" shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith and not for the purpose of evading this act, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

"Bona fide fixed or permanent location."

SEC. 11. "Retail merchant" means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

"Retail merchant."

SEC. 12. "Broker" means and includes any person engaged in the business of negotiating the sale of any agricultural product for others, who does not at any time during such negotiation or sale receive or have in his possession or under his control, actually or constructively, said agricultural product or the proceeds derived from such sale.

"Broker."

SEC. 13. The provisions of this act shall not apply to any person who sells exclusively his own produce as the producer thereof, nor to any retail merchant as defined herein, nor to cooperative mar-

Exemptions from act.

keting associations incorporated under chapter 19 of the Session Laws of 1913, as amended (sections 3904 to 3923, inclusive, of Remington's Revised Statutes; sections 4593 to 4612, inclusive, of Pierce's Code), or under chapter 115 of the Session Laws of 1921, as amended (sections 2878 to 2909, inclusive, of Remington's Revised Statutes; sections 134-46 to 134-77, inclusive, of Pierce's Code); nor to any warehouseman or grain dealer licensed under the state grain warehouse acts with respect to his operations as such licensee; nor to any nurseryman who is required to be licensed under the now existing horticultural laws of the State of Washington with respect to his operations as such licensee; nor to any processor or dealer licensed under the now existing dairy laws of the State of Washington with respect to his operations as such licensee.

License
required.

SEC. 14. On and after the effective date of this act, no person shall receive or purchase within this state, sell or offer for sale within this state, promote the sale of, or solicit consignments for sale on commission within this state, or for the purpose of resale or processing within this state, any agricultural product without a license as provided in this act.

Application
to do
business.

SEC. 15. Every person in this state receiving agricultural products for sale on commission, or for the purpose of resale, shall annually, on or before January 1, file an application with the director for a license to do business as a commission merchant and credit buyer, or as a cash buyer of agricultural products, or both, or as an agent for a licensed commission merchant and credit buyer or licensed cash buyer. Such application shall state the kind or kinds of agricultural products which the applicant proposes to handle, the full name of the person applying for such a license, and if the applicant be a partnership, the full name of each member of the partnership, or the officers of the exchange, asso-

ciation, or corporation, and the name of the local agent of the exchange or corporation or association, the city, town, or village, and street numbers at which the business is to be conducted, and a detailed statement of his financial condition at the time of making application. In the case of partnerships, a verified copy of the partnership agreement shall accompany the application.

SEC. 16. The director may withhold the issuance of a license to an applicant, for a period not to exceed thirty (30) days pending an investigation, for the purpose of determining (1) whether the applicant is violating or has violated any of the provisions of this act, or (2) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee of the applicant. If, after investigation, it appears to the director that the applicant should be refused a license, the applicant shall be given notice and an opportunity for hearing.

SEC. 17. If an applicant is applying for a license to do a business in agricultural products as a cash buyer, and no part of his business is to be conducted or carried on as a commission merchant and credit buyer, the director shall thereupon issue to such applicant, on payment of twenty-five dollars (\$25.00), a cash buyer's license entitling him to conduct the business of purchasing agricultural products for the purpose of processing or resale at the place or places named in the application.

SEC. 18. Each licensee operating as a commission merchant and credit buyer or as a cash buyer as defined in this act, and who utilizes any motor vehicle in his operations as such licensee, shall secure from the director, and maintain prominently displayed upon the vehicle on both the front and

Investigation.

License fee.

Licensee utilizing motor vehicle to secure license plates.

the rear thereof, a license plate in such form as prescribed and furnished by the director. One set of such license plates shall be furnished by the director to each commission merchant and credit buyer or cash buyer free with his license, but for each subsequent set of such license plates, he shall pay to the director a fee of twenty-five cents (25¢). Such license plates shall not be transferable from one vehicle to another.

License issued.

SEC. 19. If the business of an applicant shall include the carrying on of a business of commission merchant and credit buyer as herein defined, the director shall issue to such applicant, on payment of twenty-five dollars (\$25.00) and the execution and delivery of a bond as hereinafter provided, a license entitling him to conduct the business of dealing in or receiving and selling agricultural products on commission at the place or places named in the application.

Change in organization to be reported.

SEC. 20. Any change in the organization of any firm, association, exchange, corporation or copartnership licensed under this act shall be reported immediately to the director.

Agent's license.

SEC. 21. If the business of an applicant is to act as an agent in the employ of a commission merchant and credit buyer or cash buyer, the director shall issue to such applicant, upon the payment of two dollars (\$2.00), an agent's license, entitling him to receive, purchase, or solicit agricultural products for the account of or delivery to only and exclusively his licensed employer.

Broker's license.

SEC. 22. If the business of an applicant is to act as a broker as defined in this act, the director shall issue to such applicant, upon the payment of two dollars (\$2.00), a broker's license, entitling him to do business as a broker as defined in this act.

SEC. 23. The director is hereby vested with power and authority and it shall be his duty in

issuing licenses either to commission merchants and credit buyers or cash buyers to require before issuance thereof the filing with him of a verified copy of a liability insurance policy or bond in an insurance company or association authorized to transact business in this state, in such sum and upon such conditions as the director may deem necessary to protect adequately the interests of the public in the use of the public highways, which liability insurance shall bind the obligors and undertake the payment of compensation for injuries to persons and loss of or damage to property within this state by such licensee or by any motor vehicle or vehicles operated by him in the conduct of his business: *Provided, however,* That such insurance policy or bond shall be conditioned to pay any sum up to five thousand dollars (\$5,000) as the result of personal injury or death to one individual, and up to ten thousand dollars (\$10,000) as the result of personal injuries or deaths in any single accident, and up to five thousand dollars (\$5,000) as the result of damage to property in any single accident.

Liability
insurance
or bond
required.

SEC. 24. (a) Before any such commission merchant and credit buyer's license shall be issued, every applicant therefor shall execute and deliver to the director a substantial bond in the sum of five thousand dollars (\$5,000), and with surety satisfactory to the director.

Surety bond.

(b) All such bonds are to be of a standard form as to terms and conditions, approved by the director, and they shall be conditioned on faithful and correct accounting for, and handling of agricultural products received, provide for the payment to the consignor of all moneys or things of value received for goods consigned, and to secure the consignor against all fraudulent acts of the commission merchant and credit buyer licensee in the resale or

the handling of the goods of the consignor. The total liability of the surety upon the bonds shall be limited to the face of the bond, and when claims by consignors exceed the face of the bond, recovery under the bonds shall be prorated. However, it shall not be necessary for any consignor suing on the bond to join other consignors as parties to the action, and the claim of prorating shall be a matter of defense and the burden of establishing the pro rata shall be on the surety. Such bond shall be subject to cancellation and liability terminated thereunder by the surety by the service of a notice of its intention so to do upon the principal in said bond and upon the director at Olympia, and after thirty (30) days from the service of such notice, the surety shall be released from any and all liability accruing thereafter.

Statement as
to volume of
business.

SEC. 25. Any licensee, whether he has a license to do a business as a commission merchant and credit buyer or as a cash buyer, shall from time to time, when required by the director, make and file a verified statement upon a form prescribed by the director showing the volume of agricultural products received, the volume sold on commission, and the volume otherwise disposed of or held for resale during a designated period of time, and showing such other pertinent information as the director may require.

Financial
statement.

SEC. 26. Any licensee shall also, at the time of making application for license, and from time to time, when required, make and file a verified statement exhibiting his financial condition as of a prescribed date: *Provided*, That such financial statement shall be confidential and not subject to public inspection.

List of
agents filed.

SEC. 27. Each licensed commission merchant and credit buyer or cash buyer shall file with the director a list of agents subject to license and shall

immediately report to the director any changes in this list.

SEC. 28. Every person licensed to do business as a commission merchant and credit buyer or as a cash buyer under this act shall keep an accurate and complete record of all dealings in agricultural products, showing the name of the consignor or vendor, the date of purchase or receipt of products, the amount purchased or received, the price paid or received, to whom sold, the sale price and the terms thereof, the grade or quality of the merchandise, the quantity or weights thereof when required by the director, and such other pertinent information as the director may require. Records.

SEC. 29. Each commission merchant and credit buyer and each cash buyer shall promptly deliver or mail to the consignor or vendor a memorandum of record of each transaction involving a consignment or purchase or receipt of agricultural products and their resale, or disposal otherwise, except as to the names and addresses of persons to whom such products are sold, together with payment in settlement for such products, and such memorandum shall show the date of purchase or receipt of the products, amount purchased or received, and price paid or received. Memorandum of each transaction.

SEC. 30. The director shall have the right to enter and inspect the premises, yards, warehouses, storage and transportation facilities or any agricultural products therein; and to inspect or audit the books of each licensee during the business hours of any day, and such licensee shall furnish reports concerning his business, in such form and manner as the director may prescribe. Director. power to inspect.

SEC. 31. Whenever by agreement in writing between the consignor and the commission merchant and credit buyer, any agricultural products are Pooled or commingled products.

pooled or commingled with other agricultural products of like kind for the purpose of marketing, and their identity thereby becomes lost, the commission merchant and credit buyer handling such transaction shall be required to render only a report showing average gross pool price, date received, and charges of pool deducted and prorated, and shall not be required to make payment until ten (10) days after demand by the consignor after said pool has been closed.

Manifest to be carried on vehicle.

SEC. 32. Each commission merchant and credit buyer and each cash buyer licensee operating a motor vehicle in the conduct of his business as such licensee, shall carry on the vehicle used by him a manifest on a form to be prescribed or approved by the director, showing at all times a description of the cargo on the vehicle, where and from whom purchased, and the weight or measure upon which the purchase was made, and if purchased upon weight, where and by whom weighed and the weight obtained at said weighing. Such manifest shall be kept in triplicate, one copy to be given to the consignor or seller, one copy preserved by the licensee, and the original, signed by him, shall be furnished to the director on request. False statements on any such manifest as to the nature, quantity, weight, count, grade, quality, or any other essential feature of the cargo, shall be grounds for suspension or cancellation of the cash buyer's or commission merchant and credit buyer's license.

Statement to consignor on receipt of goods.

SEC. 33. Any commission merchant and credit buyer or any cash buyer as defined in this act shall render to the consignor or vendor, on receiving any agricultural product, a statement in writing showing what agricultural products were received, the date received and the condition thereof. Before any claims for deductions may be made on the grounds that the agricultural products were received in a

damaged condition or were not of the purported grade, quality, weight, or maturity, it shall be the duty of the commission merchant and credit buyer or cash buyer to call a duly authorized agent of the director for prompt inspection of such damaged products, and to procure from such agent of the director a certificate in triplicate as to the condition, grade, quality, weight, maturity, and disposition of said agricultural products, and to transmit one copy of said certificate to the consignor, and one copy to the director. A reasonable fee shall be paid to the director for such services, and in case of partial damage or total loss, this fee may be charged against such consignment or the consignor or vendor. Said certificate may be used as evidence in any hearing conducted by the Department of Agriculture or in any civil or criminal action brought in any court in the State of Washington. Such claim must be made by the licensee within five (5) days of the date of receipt of such goods at the point where the condition on which claim is made became apparent.

Damaged products.

Inspection fee.

SEC. 34. If the local market should be overstocked, the commission merchant and credit buyer shall have the authority to relieve the condition by reassigning all or part of any consignment, but shall send consignor copy of the account sales of such reassigned goods. In all such instances, the commission merchant and credit buyer shall be entitled to only two-thirds of his regular filed commission.

Overstocked market.

Reassignment.

Merchant's commission.

SEC. 35. The commission merchant and credit buyer licensee shall file with the director at the time of furnishing bond, a schedule of his commissions and charges for services in connection with agricultural products handled on account of or as an agent for other parties, upon a form prescribed by the director, and the licensee shall not deviate

Schedule of commissions filed.

from such designated commissions or charges during the license period until ten (10) days have elapsed after the filing of a notice of such proposed deviation: *And provided*, Such commission or charges shall not exceed fifteen per cent (15%), except by a written contract and agreement between the commission merchant and credit buyer and the consignor of agricultural products: *Provided*, That when a rate of commission or charges or a deviation therefrom shall be filed by one or more licensees, any other licensee may file the same rate and such rate will be effective as of the effective date of the first similar filing.

Investigation
of
complaints.

SEC. 36. The director shall have the power to investigate, upon the verified affidavit of an interested party or upon his own initiative, the records of any licensee or any person applying for a license, or any transaction involving the solicitation, receipt, sale, or attempted sale of agricultural products on a commission basis, or the purchase thereof for the purpose of processing or resale, or the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition, quality or quantity of goods received or while in storage, the making of false statements as to the market conditions with attempt to deceive, or the failure to make payment for goods received, or other alleged injurious transactions, and for such purpose may examine at the place of business of the licensee that portion of his ledgers, books of account, memoranda, or other documents relating to the transactions involved, of any commission merchant and credit buyer and any cash buyer, and may take testimony relating to such transactions, records, or business, under oath.

Demand
upon
licensee for
payment for
goods
consigned.

SEC. 37. If a consignor fails to obtain within a reasonable time proper and complete accounting and payment of any transactions, he may make a

demand upon the licensee for such account and payment of goods shipped. If such accounting and payment has not been received by the consignor within forty-eight (48) hours after making this demand, he may file with the director a copy of his demand, together with an affidavit setting forth the nature and amount of the goods consigned or delivered, date of the consignment or delivery, the amount he believes due and owing to him, together with bills of lading and delivery receipts showing the goods were shipped to and received by the licensee. The director shall attempt to secure an explanation or adjustment, and failing to secure a satisfactory settlement within seven (7) days after demand has been made by the director upon the licensee, he shall then notify the licensee that a hearing is to be held and shall then hold a hearing to determine whether to suspend or revoke the license of the commission merchant and credit buyer or cash buyer.

SEC. 38. The director may decline to grant or may revoke or suspend a license after due notice and a hearing held as herein provided, if he is satisfied that the applicant or licensee is guilty of

Causes for denial, revocation or suspension of license.

- (a) Any violation of the provisions of this act, or
- (b) The following practices or any of them:

- (1) The imposition of false charges for handling or services rendered.

- (2) Failure to account promptly and properly or to make proper settlements.

- (3) Attempted payment by check with insufficient funds to cover, or the stopping payment on a check given as a cash payment.

- (4) False statements as to condition, quality, or quantity of goods received or held for sale on commission, when the facts might have been determined by reasonable inspection.

(5) False or misleading statement or statements as to market conditions with intent to deceive.

(6) Participation in an illegal combination or combinations to fix prices.

(7) The direct or indirect purchase of consigned goods by the applicant or licensee for his own account, without prior authority therefor or without notifying consignor thereof.

(8) Apparent bankruptcy or insolvency of the applicant or licensee, or evidence or indications that bankruptcy or insolvency may shortly occur.

(9) Evidence of dealing of such a nature as to satisfy the director of the inability of the applicant or licensee to conduct properly the business of commission merchant and credit buyer or of cash buyer, or indication of an intent to deceive or defraud consignors or sellers.

(10) Fraud or deception by the applicant or licensee in obtaining or applying for his license, including the making of false financial statements.

(11) Neglect by the commission merchant and credit buyer licensee or applicant to file a new or additional bond when notified by the director that the bond previously filed is unsatisfactory or has been cancelled.

(12) Failure or refusal by the commission merchant and credit buyer licensee or applicant to file with the director a schedule of his maximum and minimum commissions and other charges for services in connection with agricultural products handled on account of or as an agent for another, within thirty (30) days after issuance of his license.

(13) Failure or refusal by a cash buyer licensee to maintain a correct manifest of cargo, or to make a copy available, on request, as required in this act.

(14) Fraud or deception by the licensee in his dealings with purchasers, including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(15) Conducting business as a commission merchant and credit buyer under a cash buyer's license.

(16) Violation by the licensee or applicant of any order of the director or any law of the state setting up standards of grade, quality, or size for any agricultural product, or the violation of any Washington quarantine upon any agricultural product.

SEC. 39. When a license or application has been denied, revoked, or suspended after due notice and a hearing, the director, in the order denying such application or revoking or suspending such license, may provide that, before a license shall be issued, the applicant or licensee shall make such reparations to the injured party as the director believes reasonable, just, and equitable, and until such reparations are made, a license may be denied by the director.

Reparations
to injured
party.

SEC. 40. In the event the director has reason to suspect that any licensee or applicant is violating or has violated the provisions of this act, he shall attempt to secure a satisfactory explanation, and failing to secure an explanation or settlement, he shall cause a notice to be served upon such licensee or applicant, setting forth the provisions of this act which the licensee or applicant is charged with violating, and setting a date in said notice upon which a hearing will be had to determine whether or not such licensee or applicant is violating or has violated such provisions.

Hearing to
revoke or
suspend
license.

SEC. 41. An action may be brought by the director or a consignor on the bond furnished by a commission merchant and credit buyer under the provisions of this act and recovery may be had against such commission merchant and credit buyer and the surety on said bond for the amount due such consignor; and in such action, the court shall allow such consignor a reasonable attorney's fee.

Action on
bond.

Attorney's
fees.

SEC. 42. If the court finds for the defendant commission merchant and credit buyer in an action as provided in section 42 of this act, the complainant shall receive no attorney's fees. If the complainant be other than the director, the complainant shall pay a reasonable attorney's fee to defendant. Any such sums collected by the director in the suit provided for in section 42 of this act shall, after collection, be promptly paid over to the parties entitled thereto.

Penalty.

SEC. 43. Any person violating any provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00). Each day's violation of this act shall constitute a separate offense.

Prosecution,
where
instituted.

SEC. 44. Any prosecution brought under this act may be instituted or brought in any county of this state in which the defendant, or any of the defendants, resides, or in which such unlawful act was committed, or in which the defendant, or any of the defendants, has his principal place of business.

Commission
merchants
fund.

SEC. 45. All sums received by the director for license fees under this act shall be paid by him to the State Treasurer and deposited in a special fund to be known as the commission merchants fund and shall be used solely for the purpose of carrying out the provisions of this act.

Partial
invalidity.

SEC. 46. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances, shall not be affected thereby. If any section, sub-section, clause or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature here-

by declares that it would have passed this act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 47. Chapter 67 of the Session Laws of 1937 (section 8292, section 8292-1, section 8293, section 8294, section 8295, section 8296, section 8298, section 8299, section 8300, section 8302, section 8302-1, and section 8302-2 of Remington's Revised Statutes; section 1417-41 to 1417-52, inclusive, of Pierce's Code) is hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act, or as affecting any proceeding instituted under said act: *Provided, further*, That the repeal hereby of said act shall not operate to revive any former act or part thereof therein repealed. Repeal.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 198.

[H. B. 208.]

TRANSPORTATION AND SLAUGHTERING OF LIVESTOCK.

AN ACT relating to inspection and slaughtering of livestock; providing for inspection fees and payment of inspectors; establishing inspection points; providing for presentation and inspection of livestock at designated places; requiring proof of ownership; declaring certain animals to be estrays; providing for sale of same; prescribing penalties; and amending sections 6, 14 and 15 of chapter 75 of the Laws of 1937 (sections 3169-6, 3169-14 and 3169-15 of Remington's Revised Statutes).

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

SECTION 1. That section 6 of chapter 75, of the Session Laws of 1937 be amended to read as follows:

Section 6. Any person, firm or corporation engaged in the slaughtering of animals not coming within the definition of section 5, and not operating from a recognized permanent location from which such business is carried on shall not offer for sale dressed carcasses of meat food animals unless such carcasses are accompanied by the hides thereof with tails and ears attached and must exhibit the brands and tattoo marks, if any, at the time such animals are presented or offered for sale, and shall execute a certificate of permit stating that he is the rightful owner or agent thereof, entitled to the possession of such carcasses, and copies of certificates of permit shall be handled in the manner prescribed in section 2. The above shall not apply to farmers slaughtering animals for their own consumption but shall apply if such farmer offers carcasses for sale or from peddler conveyances, and a certificate of permit must be executed stating that he is the rightful owner or agent thereof, entitled to possession of such carcasses, and copies of certificates of permit shall be handled in the manner prescribed in section 2.

Amends § 6,
ch. 75, Laws
1937.

Require-
ments when
location not
permanent.

SEC. 2. That section 14 of chapter 75 of the Session Laws of 1937 be amended to read as follows:

Amends
§ 14, ch. 75,
Laws 1937.

Section 14. The Director of Agriculture shall appoint such clerical and other employees as may be deemed necessary for the purpose of the administration of this act. He shall employ and appoint brand inspectors under the provisions of this act wherever he deems it necessary for the enforcement of this act and such inspectors shall make inspections of brands and earmarks of livestock and make inspections for other markings and shall inspect hides and slaughter houses and animals being slaughtered at slaughter houses. Inspectors or agents so employed by the Director of Agriculture shall have the right to enter in the day or night time any slaughter house or any other place where cattle are killed in this state and to carefully examine the same, and all books and records required by law to be kept therein, and to compare the hides found therein with such records. The Director of Agriculture shall designate points or places where inspectors will be maintained and where livestock shall be presented for inspection. It shall be unlawful to hinder or obstruct or resist the director or his authorized representatives in the performance of any of the duties required by this act.

Director of
agriculture
to appoint
employees.

Inspection.

All agents or inspectors so appointed by the director under the provisions of this act shall have authority to arrest without warrant persons found in the act or whom they have good reason to believe to be guilty of driving, holding or slaughtering stolen cattle, horses, mules or asses, or of violating the inspection laws of the state, and all such inspectors shall have authority to make arrests without warrants in any county in the state: *Provided*, That all persons so arrested shall be turned over to the local officers as soon as possible following such arrests.

Authority
to arrest
without
warrant.

Inspection
fee.

SEC. 3. Compensation for the services of inspectors or agents so appointed shall be paid by the owner or person in charge of such livestock or hides when inspected. The fee or charge for the inspection of cattle or hides shall be ten cents (\$.10) per head and such fee or charge shall be a lien upon the cattle or hides inspected until the same shall be paid.

Proof of
ownership.

SEC. 4. It shall be unlawful for any owner or other person to have in their possession any cattle, horses, mules or asses branded with a legally recorded brand or tattoo of another person, firm or corporation, unless such owner or other person shall have in his possession a "Certificate of Permit" properly executed and signed by the owner of the recorded brand or in lieu thereof an official "Brand Inspection Certificate" or a bill of sale properly acknowledged from the previous owner or owners of the animals carrying such brands, or from the heirs, executors, administrators, or legal representatives of such owner or owners or shall have other satisfactory proof of ownership.

Animals
presented for
inspection
without
proof of
ownership
declared
estrays.

SEC. 5. All unbranded cattle, horses, mules and asses and those which do not bear the brand or tattoo of the person presenting the same for inspection and are not accompanied by a certificate of permit or other satisfactory proof of ownership, as required by this act, showing the person presenting the same for inspection to be lawfully in possession of same are hereby declared to be estrays, and shall be sold by the Director of Agriculture or his authorized agent who shall give the purchaser a bill of sale for such animal or animals.

The proceeds from the sale of said cattle after paying the cost thereof shall be paid to the Director of Agriculture. The director shall make a record showing the brands or brands and marks and other means of identification of such animals and the

amount realized from the sale of same. All money so received by the director shall be retained by the director until paid to the owner of the estray. If, after the expiration of one (1) year from date of such sale no claim is made, said money shall be paid to the State Treasurer and by him credited to the Department of Agriculture fund to be expended in carrying out the provisions of this act.

SEC. 6. That section 15 of chapter 75 of the Session Laws of 1937 be amended to read as follows:

Amends
§ 15, ch. 75,
Laws 1937.

Section 15. Any person or persons found guilty of violating any of the provisions of this act and of chapter 156 of the Session Laws of 1935 shall be punished as prescribed by law for such offense and any person or persons who shall fail to perform any of the mandatory duties required by these acts shall be guilty of a misdemeanor.

Penalty.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 199.

[H. B. 227.]

WASHINGTON STATE HONEY ACT.

AN ACT to regulate the sale, transportation, loading, packing, marketing and disposal of honey; to prevent fraud and deception therein; giving authority to the Director to establish standards for honey; providing for a Washington state honey seal and its use; providing means of enforcement; and providing penalties.

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

SECTION 1. This act may be known and cited as the Washington State Honey Act.

Short title.

SEC. 2. The term "director" means the Director of Agriculture of the State of Washington or his duly authorized representative.

"Director."

- “Container.” SEC. 3. The term “container” shall mean any box, crate, chest, carton, barrel, keg, bottle, jar, can or any other receptacle containing honey.
- “Sub-container.” SEC. 4. The term “sub-container” shall mean any section box or other receptacle used within a container.
- “Section box.” SEC. 5. The term “section box” shall mean the wood or other frame in which bees have built a small comb of honey.
- “Clean and sound containers.” SEC. 6. The term “clean and sound containers” shall mean containers which are virtually free from rust, stains or leaks.
- “Pack.” SEC. 7. The term “pack,” “packing,” or “packed” shall mean the arrangement of all or part of the sub-containers in any container.
- “Label.” SEC. 8. The term “label” shall mean a display of written, printed or graphic matter upon the immediate container of any article.
- “Person.” SEC. 9. The term “person” includes individual, partnership, corporation and/or association.
- “Slack filled.” SEC. 10. The term “slack filled” shall mean that the contents of any container occupy less than ninety-five per cent (95%) of the volume of the closed container.
- “Deceptive arrangement.” SEC. 11. The term “deceptive arrangement” shall mean any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.
- “Mis-labeled.” SEC. 12. The term “mis-labeled” shall mean the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label,

lining or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading when the honey to which it refers does not conform in every respect to such statement.

SEC. 13. The term "placard" means any sign, label or designation, other than an oral designation, used with any honey as a description or identification thereof. "Placard."

SEC. 14. The term "honey" as used herein is the nectar of floral exudations of plants, gathered and stored in the comb by honey bees (*apis mellifica*). It is laevo-rotatory, contains not more than twenty-five per cent (25%) of water, not more than twenty-five one-hundredths of one per cent of ash, not more than eight per cent (8%) of sucrose, its specific gravity is 1.412, its weight not less than eleven (11) pounds twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit. "Honey."

SEC. 15. The term "comb-honey" means honey which has not been extracted from the comb. "Comb-honey."

SEC. 16. The term "extracted honey" means honey which has been removed from the comb. "Extracted honey."

SEC. 17. The term "crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars therein. "Crystallized honey."

SEC. 18. The term "honeydew" is the saccharine exudation of plants, other than nectareous exudations, gathered and stored in the comb by honey bees (*apis mellifica*) and is dextro-rotatory. "Honeydew."

SEC. 19. The term "foreign material" means pollen, wax particles, insects, or materials not deposited by bees. "Foreign material."

"Foreign honey."

SEC. 20. The term "foreign honey" means any honey not produced within the continental United States.

"Marked."

SEC. 21. The term "marked" shall mean printed in the English language on the top, front or side of any container containing honey: *Provided*, That it shall not be necessary to mark honey sold by the producer thereof to any distributor, packer or manufacturer with the net weight, color or grade if the honey is to be used in the manufacture of honey products or is to be graded and packaged by the distributor or packer for resale.

"Adulterated honey."

SEC. 22. The term "adulterated honey" means any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product or products, other than the nectar of floral exudations of plants gathered and stored in the comb by honey bees.

"Serious damage."

SEC. 23. The term "serious damage" means any injury or defect that seriously affects the edibility or shipping quality of the honey.

Director to adopt and promulgate regulation of grades and standards of quality.

SEC. 24. The director is hereby authorized, and it shall be his duty, upon the taking effect of this act and from time to time thereafter, to adopt, establish and promulgate reasonable rules and regulations specifying grades or standards of quality governing the sale of honey: *Provided*, That, in the interest of uniformity, such grades and standards of quality shall conform as nearly to those established by the United States Department of Agriculture as local conditions will permit.

Unlawful acts.

SEC. 25. It shall be unlawful for any person to violate any rule or regulation promulgated by the director under the provisions of this act.

SEC. 26. It shall be unlawful for any person to sell, offer or intend for sale any adulterated honey as honey.

SEC. 27. It shall be unlawful for any person to sell, offer or intend for sale any honey which does not conform to the provisions of this act or any regulation promulgated by the director under this act.

SEC. 28. The director or any of his duly authorized agents shall have the power to enter and inspect at reasonable times every place, vehicle, plant or other place where honey is being produced, stored, packed, transported, exposed, or offered for sale, and to inspect all such honey and the containers thereof and to take for inspection such samples of said honey as may be necessary. Inspection.

SEC. 29. The director is hereby empowered, through his duly authorized agents, to enforce all provisions of this act. The director shall have the power to define, promulgate and enforce such reasonable regulations as he may deem necessary in carrying out the provisions of this act. Enforcement of act and regulations.

SEC. 30. Possession by any person, of any honey which is sold, exposed or offered for sale in violation of this act shall be prima facie evidence that the same is kept or shipped to the said person, in violation of the provisions of this act. Evidence of violation of act.

SEC. 31. The director is hereby authorized to seize upon and to take into his possession such honey and thereupon apply to the superior court of the county in which said honey is seized for an order directing them to dispose of or sell the same and apply the proceeds of the same to the general fund: *Provided, however,* That the director shall first give notice to the person in whose possession such goods are found, or, if in the possession of a common carrier, then the consignee of such honey, Seizure of honey.

notifying such person that he has seized such honey, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten (10) days from the service of such notice, and that at the hearing of said application the said person shall show cause, if any he has, why the prayer of the petition should not be granted. Upon the hearing of said petition, the affidavits or oral testimony may be introduced to show the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

Markings
required on
container.

SEC. 32. It shall be unlawful to deliver for shipment, ship, transport, sell, expose or offer for sale any containers or sub-containers of honey within this state unless they shall be conspicuously marked with the name and address of the producer or distributor, the net weight of the honey, the grade of the honey, and, if imported from any foreign country, the name of the country or territory from which the said honey was imported, or if a blend of honey, any part of which is foreign honey, the container must be labeled with the name of the country or territory where such honey was produced and the proportion of each foreign honey used in the blend.

Warning tag.

SEC. 33. It shall be unlawful to move any honey or containers of honey to which any warning tag or notice has been affixed except under authority from the director.

Floral types.

SEC. 34. Any honey which is a blend of two or more floral types of honey shall not be labeled as a honey product from any one particular floral source alone.

SEC. 35. When any markings are used or required to be used under this act on any container

of honey to identify the container or describe the contents thereof, such markings must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded in the English language, in letters large enough to be discernible by any person, on the front, side or top of any container.

Markings on container must be conspicuous.

SEC. 36. Any slack filled container shall be conspicuously marked "slack filled".

Slack filled.

SEC. 37. It shall be unlawful to sell, offer, or expose for sale to the consumer any honey in any second hand or used containers which formerly contained honey, unless all markings as to grade, name and weight have been obliterated, removed or erased.

Used containers.

SEC. 38. The director is hereby authorized, and it shall be his duty, to provide and make available a suitable gummed paper seal to be known as the Washington state honey seal which shall be placed upon the container in such manner that it will be in a conspicuous place and if possible, in such manner that said seal will be destroyed when the container is opened for consumption. The director shall have the power from time to time to establish the price at which said seal shall be sold, but in no case shall the cost of such seal exceed the following prices:

State honey seal.

(a) In the case of all honey other than comb honey:

Containers of honey up to and including 8 ounces, net weight—1 mill.

Containers of honey 9 to 16 ounces inclusive, net weight—2 mills.

Containers of honey over 16 ounces, net weight—2 mills per pound or fraction thereof.

(b) In the case of comb honey:

2 mills per commercial comb.

The proceeds from the sale of such seals shall be expended by the director to assist in defraying salaries and expenses incurred in the administration

of this act and of chapter 59, Laws Extraordinary Session, 1933 (section 3170-1 to 3170-12 inclusive, Remington's Revised Statutes).

Notification to purchasers of grade and quality.

SEC. 39. It shall be unlawful for any person to deliver, sell, offer or expose for sale any honey for human consumption within the State of Washington without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality of such honey, according to the standards prescribed by the director, by stamping or printing on the container of any such honey such grade or quality, and without placing a Washington state honey seal upon each container in which honey is sold, delivered, offered, or exposed for sale at retail. The provisions of this section shall not apply to a person selling honey of his own production except when sold, offered, or exposed for sale at retail to the consumer: *Provided*, That this act shall not affect the sale of honey by the producers when the consumer purchases said honey at the place of production.

Unlawful to simulate or alter identification device.

SEC. 40. It shall be unlawful to forge, counterfeit, simulate, falsely represent or alter without proper authority any mark, stamp, tag, label, seal, sticker or other identification device provided by this act: *Provided*, That it shall be the duty of any person opening for use a container of any honey to destroy the seal attached under the provision of section 39.

Destruction of identification device issued by director.

SEC. 41. It shall be unlawful to mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker or other identification device used by the director under the provisions of this act.

Penalty.

SEC. 42. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon violation thereof shall be punishable by a fine of not more than five hundred dollars

(\$500) or imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

SEC. 43. It shall be the duty of the director to enforce this act and to appoint and employment [employ] such inspectors as may be necessary therefor. The director shall notify the Prosecuting Attorneys for the counties of the state of violations of this act occurring in their respective counties, and it shall be the duty of the respective Prosecuting Attorneys immediately to institute and prosecute proceedings in their respective counties and to enforce the penalties provided for by this act.

Enforcement
of act.

SEC. 44. Any rules or regulations promulgated and published by the director under the provisions of this act shall have the force and effect of law.

Rules to
have force
and effect
of law.

SEC. 45. If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. If any section, sub-section, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact than any one or more of the other sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Partial
invalidity.

SEC. 46. That chapter 37 of the Laws of 1933 (section 6163-1 to section 6163-22 inclusive of Remington's Revised Statutes; sections 2555-31 to 2555-52 inclusive of Pierce's Code) shall be and the same are hereby repealed.

Repeal.

Passed the House March 2, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 200.

[H. B. 236.]

COUNTY AND DISTRICT FAIRS.

AN ACT relating to the development of the resources of Washington; promoting the general welfare by providing for the encouragement of district exhibitions of the products of agriculture, livestock, arts, science and manufacture; also providing for boys' and girls' 4-H club work, Smith-Hughes vocational work, county and community fairs, and making an appropriation therefor.

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

Development
of future
citizens.

SECTION 1. The encouragement of 4-H boys' and girls' club and/or Smith-Hughes vocational training students, competition at county and district fairs by the exhibition of their livestock, cereals, agricultural, home economics, manufactured products, and products of art and handicraft is essential to their educational development and should be encouraged in the interest of public good and development of our future citizens.

Five district
fairs.

SEC. 2. For the purposes of this act, the State of Washington is to be divided into five districts under the Director of Agriculture, to embrace the following districts, namely: Northwestern, Southwestern, Central, Southeastern, Northeastern. In each of said districts one fair is to be designated by the Director of Agriculture as a district fair, providing that fair can meet requirements specified by the Director of Agriculture. Funds allocated to said district fairs under this act shall be used solely for the payment of premiums and awards. Failure of any district to qualify under this act shall not void the act as to other districts.

Fair must
qualify as
district fair.

SEC. 3. In order to comply with the provisions of this act, a district fair must be equipped with such facilities, as will be considered and designated adequate by the Director of Agriculture. In general,

such fair must be able to qualify as a district fair in fact as well as name.

SEC. 4. The Director of Agriculture shall have the authority to supervise the rules and awards where state funds allocated under this act shall be used. An accounting of funds received and disbursed under this act shall be furnished the Director of Agriculture upon forms provided by his department.

Supervision
of Director
of Agriculture.

SEC. 5. Yakima is hereby designated as a site for an annual 4-H Club fair, and each district fair referred to in this act shall be required to stage its fair in advance of the state 4-H Club fair, and further making provision for competition whereby 4-H Club members may qualify for competition at the state 4-H Club fair: *Provided*, That the central district fair may be held in conjunction with the state 4-H Club fair.

Site of
annual
4-H Club
fair.

SEC. 6. For the purpose of encouraging 4-H Club and Smith-Hughes work at county and community fairs not specifically designated as the five district fairs or state 4-H fair hereinbefore referred to, provision is hereby made that the board of trustees of any county or community agricultural fair, which offers prizes for the products and articles displayed by 4-H boys' and girls' clubs and/or Smith-Hughes vocational training students, may apply to the Director of Agriculture of the State of Washington for an amount of money equivalent to the sum of 50% of premiums paid by such fair. It shall be the duty of the Director of Agriculture to allot and issue voucher for said amount to be paid by the State Treasurer out of funds appropriated for that purpose to such board of trustees, but in no event shall such sum exceed five hundred dollars (\$500) in any calendar year to each one of such fairs: *Provided, however*, That such fairs must have been held for two (2) years prior to the date of application for funds as herein provided.

Other fairs.

Appropriation.

SEC. 7. It is hereby appropriated from the general fund of the state a sum of twenty-five thousand dollars (\$25,000) for the biennium, to be divided in amounts not to exceed three thousand five hundred dollars (\$3,500) per annum equally between the state 4-H Club fair, the five district fairs created by this act and other county or community fairs referred to in section 6, providing that the allocation to any district failing to meet the requirements of the Director of Agriculture shall revert to the state.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 201.

[H. B. 382.]

COUNTY OWNED LANDS AS HOMESITE LANDS.

AN ACT giving county commissioners the power to designate county owned lands as homesite lands; providing for the settlement, improvement and deeding of such lands; and repealing all acts and parts of acts in conflict herewith.

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

Definitions: SECTION 1. The following words and phrases wherever used in this act shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

"County Commissioner."

(a) "County commissioner." The duly elected, qualified and acting Board of County Commissioners of their respective counties.

"Homesite or homesite lands."

(b) "Homesite or homesite lands." Any tract of land listed by the County Commissioners and contained in the list certified by the County Engineer to the County Auditor.

(c) "Entryman." Any qualified person making and filing the application and affidavit herein required with the County Auditor. "Entryman."

(d) "Settler." Any qualified person making and filing the application and affidavit herein required with the County Auditor and having in accordance therewith settled upon a homesite tract. "Settler."

(e) "Tract." Any piece or parcel of land separately described and listed by the County Commissioners and by the County Engineer filed with the County Auditor. "Tract."

SEC. 2. Every person who is the head of a family as defined by the laws of this state or who has arrived at the age of twenty-one years, is a citizen of the United States or who has filed his declaration of intention to become such as required by the naturalization laws of the United States, shall be entitled to enter upon eighty acres or a less quantity of land selected and designated by the County Commissioners of any county in this state as county homesite lands. Eligibility.

SEC. 3. The County Commissioners may at any time designate and select county owned lands as county homesite lands, subject to settlement and conveyance by the county as in this act provided. A list of county lands so selected shall be furnished to the County Engineer whose duty it shall be to check the descriptions of such listed lands, to approve the same and to file such list with the County Auditor. Upon receiving such list from the County Engineer the County Auditor shall publish a notice by posting the same in three public places in his county and by publication thereof in at least three issues of the official county paper, stating that descriptions of the land in said list are on file in his office, are open to inspection by the public and at any time after thirty days from the date of the first County-owned lands designated as homesite lands. Notice.

publication of such notice said lands shall be open for entry as in this act provided.

Application.

SEC. 4. Any person applying to enter land under the preceding sections shall first make and subscribe before a person authorized by the laws of the State of Washington to administer an oath and affidavit that he or she is the head of a family and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation and not for the benefit of any person or corporation, and that he or she will faithfully and honestly endeavor to comply with all of the requirements of law as to settlement, residence and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation or syndicate in making such entry nor in collusion with any person, corporation or syndicate to give them the benefit of the land entered or any part thereof or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation but in good faith to obtain a home for himself or herself and that he or she has not directly or indirectly made and will not make any agreement or contract in any way or manner with any person or persons, corporation or syndicate, whatsoever, by which the title which he or she might acquire from the county should enure in whole or in part for the benefit of any person except himself or herself, and upon filing such affidavit with the County Auditor, on payment of five dollars (\$5.00) he or she will thereupon be permitted to enter the amount of land specified.

Forms.

SEC. 5. The County Auditor shall furnish forms of application and affidavit containing the statements herein required and shall administer the oath to any person making such application and affidavit, without any fee therefor.

SEC. 6. The County Commissioners in selecting and designating such homesite properties shall have the right to determine the amount of acreage in any tract, not however to exceed eighty acres, and on the list of homesite properties as furnished by the engineer, filed in the office of the Auditor as in this act provided, the approximate acreage of each tract shall be stated.

Acreage of tracts.

SEC. 7. The County Auditor shall note all applications under the provisions of this act on tract books and plats to be kept in his office and shall keep a ledger of all such entries and make return thereof to the Board of County Commissioners, together with the proof upon which they have been founded.

Records.

SEC. 8. Upon an applicant entering land as in this act provided there shall be issued to him by the County Auditor a certificate of entry showing the day, date and time of such entry, and the description of the property entered as substantially the same appears upon the list certified to the Auditor by the County Engineer.

Certificate of entry.

SEC. 9. No conveyance of said property shall be given or issued therefor until the expiration of five years from the date of such entry, and if, at the expiration of such time or at any time within two years thereafter, the person making such entry, or if he be dead, his widow, or in the case of her death, his heirs and devisees, or in the case of a woman making such entry, her heirs, or devisees in case of her death, or if she be dead, her widower proves by himself and by two creditable witnesses that he, she or they, have a habitable house upon the land and have actually resided upon and have by the construction of such house and the clearing and/or cultivation of such land, improved the same to the extent of not less than five hundred dollars (\$500) in value, and makes affidavit that no part of such land has been alienated, and that he, she or they, will bear true allegiance to

Conveyance, when.

Leave of
absence.

Death before
final proof.

Cultivation.

Improve-
ments.

the government of the United States, then, in that case, she, he or they, shall be entitled to a deed duly executed by the County Commissioners as in other cases provided by law, conveying and transferring said lands to him, her or them: *Provided*, That upon filing in the office of the County Auditor notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding three months in each year after established residence and upon the termination of such absence the entryman shall file a notice of such termination in the office of the Auditor: *Provided further*, That the County Commissioners may, if they find just cause therefor, extend such leave of absence period, not however exceeding six months in any one year: *Provided further*, That when the person making entry dies before the offer of final proof, those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects as would have been required of the entryman had he lived: *Provided further*, That the entryman shall, in order to comply with the requirements of clearing and/or cultivation herein provided, cultivate not less than 5 per cent (5%) of a homesite tract of forty or more acres, ten per cent (10%) of a homesite tract containing twenty or more acres, and twenty per cent (20%) of a homesite containing ten acres, more or less.

During the first year the entryman must either improve the property by constructing a habitable home thereon or do not less than ten per cent (10%) of the clearing and/or cultivation required.

During the second year the entryman shall have constructed a habitable home upon the homesite tract and in addition thereto shall do not less than ten per cent (10%) of the clearing and/or cultiva-

tion required. The entryman must during the remaining period do the balance of the clearing and/or cultivation required under this act but the County Commissioners may, upon a satisfactory showing, reduce the required area to be cleared and/or cultivated.

SEC. 10. Where two or more persons claim to be the first entryman to file on a homesite tract, or where said persons claim to have filed simultaneously upon the same homesite tract, it shall be the duty of the Board of County Commissioners and they are empowered to determine to what person the certificate of entry shall be issued. Before a final determination is made by the Board of County Commissioners they shall give each claimant notice of an opportunity to be heard at a stated time and place not less than five days from the time of service of such notice, such notice to be served as provided by law for the service of a summons in a civil action.

Two or more claimants.

SEC. 11. The marriage of a homesite entryman to a homesite entrywoman, after each shall have fulfilled the requirements of this act for one year next preceding such marriage, shall not impair the right of either to a deed so long as they comply with the provisions of this act as to each homesite.

Marriage of entryman and entrywoman.

SEC. 12. If at any time after the filing of the application and affidavit as required in section 4, and before the expiration of the five years mentioned in section 9 of this act, it is proved, after due notice to the entryman to the satisfaction of the Board of County Commissioners that the person having filed such application and affidavit has failed to establish residence within six months after the date of entry or abandoned the land for more than six months at any time, then, and in that event, the land so entered shall revert to the county: *Provided*, That if, during the first year the entryman does the clearing and/or cultivation in this act required, it shall not be neces-

Failure to establish residence or abandonment of land.

sary for him to establish actual permanent residence upon the land during such year: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the Board of County Commissioners may, in their discretion, allow the settler reasonable additional time in which to commence his residence upon said land: *Providing*, Such entryman does the clearing and/or cultivation in this act required.

Separation
of husband
and wife.

In any case of separation between husband and wife, after filing of a homesite entry, as in this act provided, either party may succeed to such right by agreement or by decree of a competent court and in such event, upon complying with the terms of this act, shall be entitled to the benefits thereof.

Sale or
transfer of
right.

SEC. 13. Any *bona fide* entryman may, with the consent of the Board of County Commissioners, sell and transfer his right as such entryman, to any person qualified under the terms of this act to have himself made such entry.

Reservations
contained in
application
forms.

SEC. 14. The form of application which the County Auditor is by this act required to furnish shall clearly state and each conveyance to land acquired under the terms of this act shall contain the following reservation which shall be effective from the time of entry:

“The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or

parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the state, its successors or assigns, until provision has been made by the state, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state, its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the Superior Court of the county wherein the land is

Reservation.

situated, as may be necessary to determine the damages which said owner of said land may suffer.”

Conflicting
laws
repealed.

SEC. 15. All laws and parts of laws in conflict herewith are hereby repealed.

Partial
invalidity.

SEC. 16. If any part of this act shall be declared invalid by a court of competent jurisdiction, the remainder thereof shall be and remain in full force and effect.

Passed the House February 25, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 202.

[H. B. 425.]

INHERITANCE TAX.

AN ACT relating to revenue and taxation; providing for the levy and collection of taxes on estates, gifts and transfers in contemplation or to take effect upon death, legacies, inheritances, bequests, devises and successions applicable to property whether held jointly or severally, and to insurance payable upon death; providing for certain exemptions; providing for the appointment and fixing compensation of appraisers; providing for a penalty for delinquency; providing for the application of the act to pending cases; providing for the amendment of sections 2, 12 and 13, chapter 55, Laws of 1901, as amended; section 1, chapter 93, Laws of 1905, as amended; section 8, chapter 55, Laws of 1917, as amended; section 4, chapter 146, Laws of 1917, as amended; section 95, chapter 156, Laws of 1917, as amended; sections 4, 7 and 9, chapter 134, Laws of 1931, as amended; sections 107 and 115, chapter 180, Laws of 1935; declaring an emergency and that this act shall take effect immediately.

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

SECTION 1. That section 2 of chapter 55 of the Laws of 1901, as amended (section 11202 of Remington's Revised Statutes (Sup.)); section 7030-166 of Pierce's Code), is amended to read as follows:

Amends
§ 11202 Rem.
Rev. Stat.
(Sup.);
§ 7030-166
P. C.

Section 2. An inheritance tax shall be imposed on all estates subject to this act and other inheritance tax acts of the State of Washington, at the following rates:

Inheritance
tax rates.

Class A. Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any grandfather, grandmother, father, mother, husband, wife, child or step-child, adopted child, or lineal descendant of the deceased is hereby denominated as class A. On any amount passing to class A up to and including \$25,000, 1%; on any amount in excess of \$25,000 up to and including \$50,000, 2%; on any amount in excess of \$50,000 up to and including \$100,000, 4%; on any amount in excess of \$100,000 up to and including \$200,000, 7%; on any amount in excess of \$200,000 up to and including \$500,000, 9%; on any amount in excess of \$500,000, 10%: *Provided*, That except as otherwise provided by statute there shall be exempt \$10,000 of any amount passing to class A, which exemption shall include all allowances in lieu of homestead and all family allowances in excess of \$1,000 as allowed by section 104, chapter 180, Laws of 1935;

Class B. On any devise, bequest, legacy, gift, or beneficial interest to any property or income therefrom which shall pass to any sister or brother is denominated class B. On any amount passing to class B up to and including \$5,000, 3%; on any amount in excess of \$5,000 up to and including \$10,000, 4%; on any amount in excess of \$10,000 up to and including \$30,000, 7%; on any amount in excess of \$30,000 up to and including \$50,000, 10%; on any amount in excess of \$50,000 up to and including \$100,000, 15%; on any amount in excess of \$100,000, 20%: *Provided*, That except as otherwise provided by statute there shall be exempt \$1,000 of any amount passing to class B;

Class C. Any inheritance, devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any person or

body politic or corporate other than mentioned in class A and class B herein, is hereby denominated class C. On any amount passing to class C up to and including \$10,000, 10%; on any amount in excess of \$10,000 up to and including \$25,000, 15%; on any amount in excess of \$25,000 up to and including \$50,000, 20%; on any amount in excess of \$50,000, 25%;

Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom passing in trust shall be classified and taxed in accordance with the relationship of the *cestui que* trust.

The taxes imposed and the exemption with respect to each class of beneficiaries shall be apportioned between the beneficiaries in such class in proportion to the amount receivable by such beneficiary.

Amends
§ 11102a Rem.
Rev. Stat.
(Sup.);
§ 7030-168
P. C.

SEC. 2. That section 4 of chapter 134 of the Laws of 1931, as amended (section 11202a of Remington's Revised Statutes (Supp.); section 7030-168 of Pierce's Code), is amended to read as follows:

Exemption—
transfers
between
lineal de-
scendants.

Section 4. There shall be exempt an amount equal to the value of any property forming a part of the estate of any father, mother, husband, wife, lineal descendant, stepchild or adopted child who died within five (5) years prior to the death of the decedent where such property now passes from the decedent to any member of the same class: *Provided, however,* That this exemption only applies to transfers upon which an inheritance tax was paid in the estate of the first decedent, and where the property so transferred and taxed has increased in value, the increase in value shall be taxed.

Property exempted under this section must be identified as having been received from the first decedent or as having been acquired in exchange therefor, and the value of such property so exempted shall not be in excess of the value determined for the estate of the first decedent.

SEC. 3. That section 107 of chapter 180 of the Laws of 1935 (section 11202-1 of Remington's Revised Statutes; section 7030-167 of Pierce's Code), shall be amended by being divided into separate sections and shall read as follows:

Amends
§ 11202-1
Rem. Rev.
Stat.;
§ 7030-167
P. C.

Section 107a. All the powers of a referee of the superior court having jurisdiction of the estate of a decedent shall be vested in the Tax Commission and its supervisor shall have jurisdiction to require the attendance before him of the executor or administrator of said estate or any person interested therein or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent or knowledge of any property transferred by said decedent within the meaning of this title or knowledge of any facts that will aid the supervisor or the court in the determination of said tax, but no person shall be required to attend at any place outside of the county in which such decedent resided at the time of his death or in which letters of administration could lawfully issue upon the estate of such decedent.

Powers of
Tax Com-
mission.

Section 107b. For the purpose of compelling the attendance of such person or persons, and for the purpose of appraising any property or interest subject to or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the Tax Commission through its supervisor is hereby authorized to issue subpoenas compelling the attendance of witnesses before said supervisor. The supervisor may examine and take evidence of such witnesses or of such executor or administrator or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate. Any person or persons who shall be subpoenaed by the said supervisor to appear and testify or to produce books and papers, and who shall refuse

Appraise-
ment of
property.

and neglect to appear and produce books relative to such appraisal shall be guilty of contempt.

Supervisor
to file
findings with
clerk of
court.

Section 107c. Upon the completion of the investigation by the supervisor he shall file his findings with the Clerk of the Superior Court in the matter of the estate of the decedent, showing the value of the estate and the amount of inheritance tax chargeable against or a lien upon such interest, acquired by virtue of said probate proceedings or by any transfer within the meaning of this act, to any person, institution or corporation acquiring any property by virtue of said probate proceedings, or by any transfer within the meaning of this title, and shall find the total amount of tax due the State of Washington, which shall be a claim against the estate and a lien upon all the property of the estate until same is paid.

Notice of
filing report.

Section 107d. Upon filing said report the Clerk of said Superior Court shall on said day or the next succeeding judicial day give notice of such filing to all persons interested in such proceeding by causing notice thereof to be posted at the court house in the county where the court is held, and in addition thereto shall mail to all persons chargeable with any tax in said report, who have appeared in such proceedings, a copy of said notice.

Order
confirming
report.

Section 107e. At any time after the expiration of thirty days thereafter, if no objection to said report be filed, the said Superior Court or a judge thereof, shall, without further notice, give and make its order confirming said report and fixing the tax in accordance therewith.

Objections
filed.

Section 107f. At any time prior to the making of such order any person interested in such proceeding may file objections in writing with the Clerk of the Superior Court, and serve a copy thereof upon the supervisor, and the same shall be noted for trial before the court and a hearing had thereon as provided for hearings in probate matters.

Section 107g. Upon the hearing of said objections, the court shall make such order as to it may seem meet and proper in the premises: *Provided*, That for the purposes of said hearing the report of the supervisor shall be presumed to be correct and it shall be the duty of the objector or objectors to proceed in support of said objection or objections. Hearing.

Section 107h. If it shall appear that any transfer has been made within the meaning of this title, and the taxability thereof and the liability for such tax and the amount thereof have not been determined and that no proceedings are pending in any court in this state wherein the taxability of such transfer and liability therefor and the amount thereof may be determined, the Tax Commission through its supervisor shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred to appear before the said supervisor or other duly authorized agent of the Tax Commission in any county in which, under the law, letters of administration could issue upon the estate of the decedent, at a time and place in said citation named not less than ten days nor more than thirty days from the issuance of such citation to be examined under oath by said supervisor or agent concerning property transferred and the character and value thereof. Transfers—
taxability
and liability.

Section 107i. The said supervisor or agent at the time and place in said citation named, or at such time and place to which he may adjourn said hearing, shall proceed to examine said person or persons, and such witnesses as he may subpoena before him and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said supervisor or agent shall have the powers of a Superior Court to issue subpoenas compelling the attendance of witnesses before him and to administer oaths and take the evidence of such

witnesses under oath concerning such property and the value thereof, and concerning such transfer. Said supervisor or agent shall enter his findings and conclusions in relation to said transfer and said tax, fix and determine the amount of inheritance tax, if any, due the State of Washington, and file his findings in which shall be set forth the amount of inheritance tax due the State of Washington, with the Clerk of the Superior Court of such county. The procedure subsequent to such filing shall conform with the procedure outlined in subdivision (d) of this section and shall have the same effect as provided in subdivision (e) herein and the same shall be a final determination of the tax, subject to such exception as is found in subdivisions (f) and (g) herein, and subject to such procedure as therein outlined.

Supervisor to determine tax liability.

Judgment.

Section 107j. Should the court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of this title, the court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee nor bond required of state.

No fee shall be charged against the state, the Tax Commission or the supervisor by any officer in this state in any proceeding taken under this title, nor shall any bond or undertaking be required in any such proceeding.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the Supreme Court.

Action to quiet title.

Section 107k. Actions may be brought against the state by any interested person for the purpose of quieting the title to any property against the lien

or claim of lien of any tax or taxes under this title, or for the purpose of having it determined that any property is not subject to any lien for taxes nor chargeable with any tax under this title. No such action shall be maintained where any proceedings are pending in any court or before the Tax Commission or the supervisor thereof in this state wherein the taxability of such transfer and the liability therefor and the amount thereof may be determined. All parties interested in said transfer and in the taxability thereof shall be made parties thereto and any interested person who refuses to join as plaintiff therein may be made a defendant. Summons for the state in said action shall be served upon the Tax Commission by delivering a copy thereof to the supervisor.

Upon the filing of the complaint the court shall enter an order directing the supervisor to hear said matter and to report to the court thereon, and shall direct notice of such time and place to be given for such hearing as the court shall deem proper, and shall refer said matter to said supervisor, who shall have all of the powers of a referee of said court, including the powers prescribed in subdivision (b) of this section. The procedure subsequent to said reference to said supervisor shall conform to the provisions of subdivisions (c), (d), (e), (f), and (g) of this section. Should the court determine that the property described in the complaint is subject to the lien of said tax and that said property has been transferred within the meaning of this title, the court shall grant affirmative relief to the state in said action and judgment shall be rendered therein in favor of the state, ascertaining and determining the amount of said tax and the person or persons liable therefor, and the property chargeable therewith or subject to lien therefor. If the court shall determine that such property or estate is not liable to be charged with any tax under the provision of this title, it shall

Hearing
before
supervisor.

Decree
quieting
title.

enter its decree quieting title to such property against any and all such taxes, and discharging such person or persons from liability therefor.

Federal
estate tax
valuation
adopted.

Section 107l. If after the values have been determined under the state statute for inheritance tax purposes, the same estate is valued under the Federal estate tax statute and the value of the property, or any portion thereof, fixed under the state statute as provided in section 5, chapter 134, Laws of 1931 (section 1120 2-B, Remington's Revised Statutes), and this valuation under the Federal estate tax is accepted by the estate either by agreement or through final determination in the Federal court, then in that event, the value as fixed under the state statute upon such property or portion thereof shall be increased to this amount for state inheritance tax purposes.

Exemptions
prorated,
when.

Section 107m. Where there is property belonging to decedent both within the State of Washington and without the State of Washington exemptions allowed under this title shall be prorated, and that portion allowed in the State of Washington shall be in that proportion that the value of the property within the State of Washington bears to all the property within and without the State of Washington. In order to secure an exemption where the property is thus situated, the representative must file with the inheritance tax division of the Tax Commission a certified copy of the inventory of all the properties without the State of Washington, and upon his failure so to do, no exemptions will be allowed in this state, whether there is property within this state or without this state.

Discharge of
executor
from liability
only when
decree of
distribution
entered.

Section 107n. An executor, administrator or trustee shall not be discharged from liability for such inheritance tax, nor shall a decree of distribution be entered, nor said estate, nor any part of said estate, be distributed until a receipt signed by the State Treasurer showing that the inheritance tax is

paid, or written waiver executed by the supervisor showing that the estate is not subject to inheritance tax, is filed with the Clerk of the Court, or the court having jurisdiction over such estate shall have determined as herein provided that such estate is not liable to pay an inheritance tax.

Section 107o. When it shall appear that a part or portion of decedent's estate is being administered upon in any other state or territory of the United States, no decree of distribution shall be signed by any court in this state until there has been a receipt filed with the Clerk of the Superior Court showing that the inheritance tax has been paid in full or that there is no tax due in the estates being administered without the State of Washington: *Provided, however,* That this section shall apply only to estates that are being administered in the territories or states of the United States having adopted a similar provision.

Property
outside
state.

Section 107p. It is further provided, that there shall be no exemption allowed where the decedent was not a resident of a territory or state of the United States, and the property of such decedent shall be taxable whether same is tangible or intangible property, including certificates of stock, bonds, bill, notes, bank deposits, and other written evidences of intangible property which are physically situated within the State of Washington, or where the domicile of the debtor is in the State of Washington.

Property
physically
present of
non-resident.

Section 107r. Whenever the supervisor shall have reasonable cause to believe that a tax is due under the provisions of this act, upon any transfer of any property, and that any person, firm, institution, company, association or corporation has possession, custody or control of any books, accounts, papers, or documents relating to or evidencing such transfer, the supervisor or his duly authorized agent, is hereby authorized and empowered to inspect the books, records, accounts, papers and documents of

Inspection of
records.

any such person, firm, institution, company, association or corporation, including the stock transfer book of any corporation, and to administer oaths to and examine any such person or any officer or agent of such firm, institution, company, association or corporation, for the purpose of acquiring any information deemed necessary or desirable by said supervisor or his assistants, for the proper enforcement of this act, and for the collection of the full amount of the tax which may be due the state hereunder. Any and all information and records acquired by said supervisor, or his assistants, shall be deemed and held by said supervisor and said supervisor's assistants and each of them, as confidential, and shall not be divulged, disclosed or made known by them or any of them except in so far as may be necessary for the enforcement of the provisions of this act. Any supervisor or assistant supervisor, or ex-supervisor or ex-assistant supervisor, or inheritance tax attorney, or ex-inheritance tax attorney, or assistant inheritance tax attorney, or ex-assistant inheritance tax attorney, who shall divulge, disclose, or make known any information acquired by such inspection and examination aforesaid, except in so far as the same may be necessary for the enforcement of the provisions of this act, shall be guilty of a gross misdemeanor.

Information
confidential.

Penalty for
divulging
information.

Refusal to
permit
inspection
of records.

Section 107s. An officer or agent of any firm, institution, company, association or corporation having or keeping an office within this state, who has in his custody or under his control any book, record, account, paper or document of such firm, institution, company, association or corporation, and any person having in his custody or under his control such book, record, account, paper or document who refuses to give to the supervisor, or said inheritance tax attorney, or any of said assistant inheritance tax attorneys, lawfully demanding as provided in this section,

during office hours to inspect or take a copy of the same, or any part thereof, for the purposes hereinabove provided, a reasonable opportunity so to do, shall be liable to a penalty of not less than one thousand dollars nor more than twenty thousand dollars, and in addition thereto shall be liable for the amount of the taxes, interest and penalties due under this act on such transfer, and the said penalties and liabilities for the violation of this section may be enforced in an action brought by the supervisor in any court of competent jurisdiction.

Penalty.

SEC. 4. That section 12 of chapter 55 of the Laws of 1901 as amended (section 11210 of Remington's Revised Statutes; section 7061 of Pierce's Code), is amended to read as follows:

Amends
§ 11210 Rem.
Rev. Stat.;
§ 7061 P. C.

Section 12. All taxes imposed by this act shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen months from the accruing thereof, interest shall be charged and collected at the rate of eight per centum per annum unless by reason of necessary litigation such tax cannot be determined and paid as herein provided, in which case interest at the rate of eight per centum per annum shall be charged upon such tax from and after the time the cause of such delay is removed: *Provided*, The minimum tax due in any event shall be paid within fifteen months from the accruing thereof. In all cases where a bond shall be given under the provisions of section 11205 interest shall be charged at the rate of eight per centum per annum from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

Payment
of tax.

SEC. 5. That section 115 of chapter 180 of the Laws of 1935, (section 11211b, Remington's Revised Statutes (Supp.); section 7030-175 of Pierce's Code), is amended to read as follows:

Amends
§ 11211b Rem.
Rev. Stat.
(Supp.);
§ 7030-175
P. C.

Insurance payable upon death.

Section 115. Insurance payable upon the death of any person shall be deemed a part of the estate for the purpose of computing the inheritance tax and shall be taxable to the person, partnership, or corporation entitled thereto. Such insurance shall be taxable irrespective of the fact that the premiums of the policy have been paid by some person, partnership, or corporation other than the insured, or paid out of the income accruing from principal provided by the assured for such payment, whether such principal was donated in trust or otherwise: *Provided, however,* That there is exempt from the total amount of insurance receivable by all beneficiaries other than the executor, administrator or representative of the estate, regardless of the number of policies, the sum of forty thousand dollars and no more: *Provided, however,* That in the case of insurance upon the life of a decedent officer or employee of a corporation, payable to the corporation, or upon the life of a decedent, employee of or partner in a business enterprise, payable to one or more of the partners, where all the premiums upon such policy have been paid exclusively by such beneficiary, upon the death of the decedent, the amount only of the proceeds of the policy in excess of the cash surrender value immediately preceding the death of the decedent shall be deemed a part of the estate for the purpose of computing the inheritance tax, and taxed as provided in class A, section 1 of this title.

Insurance exemption.

Policies payable to corporation or partnership.

More than one beneficiary.

Where more than one beneficiary is entitled to the benefit of the provisions of this section exempting forty thousand dollars of the proceeds of insurance policies payable upon death, the benefit of such exemption shall be apportioned among such beneficiaries ratably and proportionately: *Provided,* That where there is fraternal benefit society insurance payable upon the death of the decedent and other insurance payable upon the death of the de-

cedent, the forty thousand dollars exemption shall first be taken from the fraternal benefit society insurance and if the same does not equal forty thousand dollars, then the balance of the forty thousand shall be prorated among other policies.

The inheritance tax upon the proceeds of any insurance policy shall be a lien upon the proceeds of such policy in the hands or possession of the estate of the deceased insured or in the hands or possession of any other beneficiary under such policy to whom such proceeds may have been paid: *Provided*, That when proceeds of insurance payable upon death, or receivable by a beneficiary other than the executor or representative, the executor or representative shall recover from such beneficiary the tax due upon such proceeds of such policy or policies. The supervisor shall have power to release such lien with respect to all or any part of such proceeds if he be satisfied that the collection of the tax will not thereby be jeopardized.

Lien upon proceeds.

Nothing in this act shall prevent the payment by any insurance company, association or society of the proceeds of any policy upon the death of a decedent to the person entitled thereto, except where prior to such payment the supervisor has notified the company that the state is claiming a lien thereon payment shall be deferred until the tax has been paid.

Notice to insurance company of lien.

SEC. 6. That section 8 of chapter 55 of the Laws of 1917, as amended (section 11205 Remington's Revised Statutes (Supp.); section 7030-172 of Pierce's Code), is amended to read as follows:

Amends § 11205 Rem. Rev. Stat. (Supp.); § 7030-172 P. C.

Section 8. When the estate of a deceased person shall be subject to an inheritance tax, and there be an annuity, life estate or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state. The value of the annuity, life or

Appraisal of annuities, life estates or estates for years.

term estate shall be determined according to the rules or standards of mortality and of value commonly used in actuaries' combined experience tables on the basis of four per cent annual interest, and the value of the remainder shall be determined by deducting the amount found to be the value of the annuity, life or term estate from the whole estate. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: *Provided, however,* That any person or persons owning the beneficial interest in the remainder may defer the payment of the tax thereon until they come into possession of the same by filing in the office of the County Clerk within thirty (30) days after the determination of the tax, a good and sufficient surety bond to the State of Washington in a sum equal to the amount of the tax conditioned that they will pay such tax in full within sixty (60) days after coming into possession of the estate. Such bond shall not operate to defer payment of the tax unless it is approved by the supervisor, and if it shall appear to the supervisor at any time that a bond previously filed and approved has become insufficient he may require a new bond to be filed. If the person or persons owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if they shall fail to file a new bond when directed by the supervisor, the tax shall immediately become due and payable. The State Insurance Commissioner is hereby directed to obtain and publish for the use of courts and appraisers throughout the state tables showing the average expectancy of life and values of annuities and of life and term estates.

Payment of
tax deferred
upon filing
of surety
bond.

Amends
§ 11206 Rem.
Rev. Stat.;
§ 7057 P. C.

SEC. 7. That section 4 of chapter 146 of the Laws of 1917, as amended (section 11206 Remington's Re-

vised Statutes; section 7057 of Pierce's Code), is amended to read as follows:

Section 4. When property is transferred in trust or otherwise and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable and a tax shall be imposed upon such transfer at the highest rate which on the happening of any such contingencies or conditions would be probable under the provisions of this act and such tax so imposed shall be due and payable in the same manner as other taxes.

Trust
estates.

Tax
computed.

Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Estates
for life.

SEC. 8. That section 95 of chapter 156 of the Laws of 1917, as amended (section 1465, Remington's Revised Statutes (Supp.); section 7030-183 of Pierce's Code), is amended to read as follows:

Amends
§ 1465 Rem.
Rev. Stat.
(Supp.);
§ 7030-183
P. C.

Section 95. Every executor, or administrator shall make and return upon oath, into the court, within one month after his appointment, a true inventory of all of the property of the estate which shall have come into his hands, and within thirty (30) days after filing such inventory he shall make application to the court to appoint three disinterested persons to appraise the property so inventoried, and it shall be the duty of the court to appoint such appraisers. Such appraisers shall receive as compensation for their service each an amount as to the court shall seem just and reasonable, not to exceed \$5.00 per day for the time spent in making such appraisement: *Provided*, That in all estates where an inheritance tax is payable, the court shall

Inventory
of estate.

Appraise-
ment.

fix the compensation of each appraiser at such an amount as the court may deem just and reasonable notwithstanding the foregoing limitation: *Provided further, however,* That in all estates over \$5,000 the appraiser recommended by the supervisor shall receive a fee of one-tenth of one per cent of the inventoried value of the estate and no more. If any part of the estate shall be in another county than that in which the letters are issued, appraisers residing in such county may be appointed by the court having jurisdiction of the case, or, if most advisable, the same appraisers may act: *Provided, however,* That the court may appoint persons to appraise the estate at the time or any time after the appointment of the administrator: *And provided further,* That where it is shown by the filing of such inventory, or other proof, to the satisfaction of the court, that the whole estate consists of personal property of less value than two hundred and fifty dollars (\$250) exclusive of moneys, drafts, checks, bonds, or other securities of fixed value, an appraisalment may be dispensed with in the discretion of the court.

Amends
§ 11211 Rem.
Rev. Stat.
(Sup.);
§ 7030-173
P. C.

SEC. 9. That section 13 of chapter 55 of the Laws of 1901, as amended, (section 11211, Remington's Revised Statutes, (Sup.)); section 7030-173 of Pierce's Code), is amended to read as follows:

Appoint-
ment of
appraisers.

Section 13. The Superior Court having jurisdiction, shall appoint three suitable, disinterested persons to appraise the estate and effects of deceased persons for inheritance tax purposes and subsequent sales shall not affect the value so used, and unless otherwise provided by order of the court, the appraisers appointed under the probate law to appraise the estate and effects of deceased persons, shall be and constitute the appraisers under the provisions of this act: *Provided, however,* That one of such appraisers shall be recommended by the supervisor, and appointed by the court as one of the three ap-

praisers. The three appraisers thus appointed to appraise the estate shall determine the value thereof. In the event the three appraisers cannot agree upon the value, then each appraiser shall file with the court his findings, and the court shall then fix a value for the appraisement and inheritance tax purposes. Any one may file exceptions with the court to the appraisement as found by the appraisers, which shall be heard and determined by the court having jurisdiction of the estate.

Court may fix value.

SEC. 10. That section 7 of chapter 134 of the Laws of 1931, as amended, (section 11211a, Remington's Revised Statutes (Supp.); section 7030-174 of Pierce's Code), is amended to read as follows:

Amends § 11211a Rem. Rev. Stat. (Supp.); § 7030-174 P. C.

Section 7. All real estate and the improvements thereon, of the estate of a deceased person, for the purposes of computing the inheritance tax, shall be valued and appraised at the fair market value thereof on the day of the death of the decedent owner thereof and subsequent sales shall not affect the value so used. The executor, administrator or trustee in preparing the inventory in all probate cases, shall insert at the right of each real estate tract, the assessed valuation of such tract and of the improvements thereon for the information of the appraisers and other interested parties.

Valuation and appraisal at market value.

SEC. 11. That section 1 of chapter 93 of the Laws of 1905, as amended (Remington's Revised Statutes, section 11218; section 7052 of Pierce's Code), is amended to read as follows:

Amends § 11218 Rem. Rev. Stat.; § 7052 P. C.

Section 1. All gifts, bequests, devises and transfers of property situated within or under the jurisdiction of the State of Washington shall be exempt from the payment of any inheritance tax, when the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children,

Exemption of certain charitable bequests.

and all gifts, bequests, devises and transfers of property made to the State of Washington, or to any county, incorporated city or town or school district therein, or to any public park or playground within the State of Washington, whether municipal or otherwise, and all gifts, bequests, devises, and transfers made to any municipal corporation within the State of Washington for eleemosynary, charitable, educational or philanthropic purposes, and all gifts, bequests, devises and transfers made to schools and colleges in the state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and which is open to all persons upon equal terms, and any property in this state which has been given, devised, bequeathed or transferred for such purposes, and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington: *Provided further*, That all such gifts, bequests, devises and transfers of property for such purposes which pass out of the State of Washington to a corporation, society, institution or association organized or existing under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of decedent's death the said state or territory under the laws of which such corporation, society, institution or association was organized or existing did not impose a legacy of succession tax or a death tax of any character in respect of property transferred for such purposes to a corporation, society, institution or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory under which such corporation, society, institution or association organized or existing contained a recipro-

Bequests
limited to
use in state.

Reciprocal
exemption.

cal provision under which a transfer for such purpose to a corporation, society, institution or association organized or existing under the laws of another state or territory were exempted from legacy or succession taxes or death taxes of every character if such other state or territory allowed a similar exemption for such purpose to such a corporation, society, institution or association organized or existing under the laws of another state or territory.

SEC. 12. That section 9 of chapter 134 of the Laws of 1931, (Remington's Revised Statutes, section 11218-1; section 7052-1 of Pierce's Code), is amended to read as follows:

Amends
§ 11218-1
Rem. Rev.
Stat.;
§ 7052-1 P. C.

Section 9. All gifts, bequests, devises and transfers made to or for the use of (a) any religious or non-sectarian organization or association, organized and conducted primarily and chiefly for religious purposes and not for profit, where such religious or non-sectarian organization or association is supported in whole or in part by gifts, endowments or charity, and where the entire income of such religious or non-sectarian organization or association, after paying the expenses thereof, is devoted wholly to the use of such organization or association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such organization or association, (b) any corporation or association organized and existing under the laws of the State of Washington primarily and chiefly for educational, artistic or scientific purposes and for the maintenance and exhibition of scientific, artistic or historical collections for the benefit of the general public and not for profit, shall be exempt from the payment of an inheritance tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington: *Provided further*, That all such gifts, bequests, devises and transfers of property to such religious or non-

Exemptions
—bequests
for religious
purposes.

Use in State.

Reciprocal
exemption.

sectarian organization or association which pass out of the State of Washington to such religious or non-sectarian organization or association organized or existing or hereafter organized under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of decedent's death the said state or territory under the laws of which such religious or non-sectarian organization or association was organized or existing did not impose a legacy or succession tax or a death tax of any character in respect of property transferred to such a religious or non-sectarian organization or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory under which such religious or non-sectarian organization or association was organized or existing contained a reciprocal provision under which a transfer to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory were exempted from legacy or succession taxes or death taxes of every character if such other state or territory allowed a similar exemption to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory.

Provisions
apply to
cases
pending.

SEC. 13. The provisions of this title shall apply to all inheritance tax cases pending at the time this act takes effect.

Effective
date.

SEC. 14. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately upon its approval.

Passed the House March 7, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 17, 1939.

CHAPTER 203.

[H. B. 535.]

EXAMINATION OF PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies; providing for additional supervision and regulation thereof and for the payment by said public service companies of the costs of certain investigations, valuations and appraisals and services made and rendered by the Department of Public Service; and repealing section 12 of chapter 165 of the Laws of 1933; and declaring an emergency.

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

SECTION 1. When used in this act the term "public service company" means and includes all public and private persons, firms, corporations or associations operating utilities and public service enterprises of every nature now or hereafter subject in any respect to regulation by the Department of Public Service of Washington.

"Public service company."

The term "Department" means Department of Public Service of Washington.

"Department."

SEC. 2. (a) Whenever the Department in any proceeding upon its own motion or upon complaint shall deem it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make any valuation or appraisal of the property of any public service company, or to investigate or appraise any phase of its operations, or to render any engineering or accounting service to or in connection with any public service company, and the cost thereof to the Department exceeds in amount the ordinary regulatory fees paid by such public service company during the preceding calendar year or estimated to be paid during the current year, whichever is more, such public service company shall pay the expenses reasonably attributable and allocable to such investigation, valuation, appraisal or services. The Depart-

Expenses of investigation paid by companies.

ment shall ascertain such expenses, and, after giving notice and an opportunity to be heard, shall render a bill therefor by registered mail to the public service company, either at the conclusion of the investigation, valuation, appraisal or services, or from time to time during its progress. Within thirty (30) days after a bill has been mailed such public service company shall pay to the Department the amount of the bill, and the Department shall transmit such payment to the State Treasurer who shall credit it to the public service revolving fund. The total amount which any public service company shall be required to pay under the provisions of this section in any calendar year shall not exceed one per cent (1%) of the gross operating revenues derived by such public service company from its intrastate operations during the last preceding calendar year. If such company did not operate during all of the preceding year the calculations shall be based upon estimated gross revenues for the current year.

(b) Amounts so assessed against any public service company not paid within thirty (30) days after mailing of the bill therefor, shall draw interest at the rate of six per cent (6%) per annum from the date of mailing of the bill. Upon failure of the public service company to pay the bill, the Attorney General shall proceed in the name of the state by civil action in the Superior Court for Thurston County against such public service company to collect the amount due, together with interest and costs of suit.

(c) In such action the Department's determination of the necessity of the investigation, valuation, appraisal or services shall be conclusive evidence of such necessity, and its findings and determination of facts expressed in bills rendered pursuant to this section or in any proceedings determinative of such bills shall be *prima facie* evidence of such facts.

Attorney
General to
bring action
upon failure
of company
to pay
charges.

Depart-
mental
findings
prima facie
evidence
of facts.

(d) In view of the civil action provided for in this section any order made by the Department in determining the amount of such bill shall not be reviewable in court, but the mere absence of such right of review shall not prejudice the rights of defendants in the civil action.

Right of review denied.

(e) Expenses of a complete valuation, rate and service investigation shall not be assessed against a public service company under this act if such company shall have been subjected to and paid the expenses of a complete valuation, rate and service investigation during the preceding five (5) years, unless the properties or operations of the company have materially changed or there has been a substantial change in its value for rate making purposes or in other circumstances and conditions affecting rates and services.

Prior investigation within five years.

(f) This act shall expire March 1, 1941.

{ Vetoed.

SEC. 3. Section 12 of chapter 165 of the Laws of 1933 is hereby repealed.

Repeals § 12, ch. 165, Laws 1933.

SEC. 4. This act is necessary for the preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Effective immediately.

Passed the House March 9, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 17, 1939, with the exception of sub-section (f) of section 2, which is vetoed.

CHAPTER 204.

[S. B. 71.]

MARRIAGE LICENSES.

AN ACT relating to the issuance of marriage licenses and repealing section 8450 of Remington's Revised Statutes (Pierce's Code 3717), and providing for the issuance of marriage licenses in county of residence, for three-day notice of intention, and for waiver in the event of emergency.

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

Repeals
§ 8450 Rem.
Rev. Stat.;
§ 3717 P. C.

SECTION 1. That section 12, page 83, of Session Laws of 1866, as amended by the Code of 1881, section 2390, the same now being section 8450 of Remington's Revised Statutes and section 3717 of Pierce's Code, be and the same is hereby repealed.

License pro-
cured from
county
auditor.

SEC. 2. Before any persons can be joined in marriage, they shall procure a license from a County Auditor, as hereinafter provided, authorizing any person or religious organization or congregation to join together the persons therein named as husband and wife.

Non-resi-
dent,
application
by mail.

SEC. 3. A non-resident of this state may secure by mail from the County Auditor of the county in the State of Washington where he intends to be married, an application, and execute and acknowledge said application before a notary public of the state of his residence.

Application
to be filed
three days
before
license
issued.

SEC. 4. Application for such marriage license must be made and filed with the appropriate County Auditor upon blanks to be provided by the County Auditor for that purpose at least three full days before the license shall be issued, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, color, occupation, birthplace, whether single, widowed or di-

forced, and whether under control of a guardian, residence during the past six months, together with the name and address of at least one competent witness who can testify that the residence given by the applicant is bona fide: *Provided*, That each county may require such other and further information on said application as it shall deem necessary: *And provided further, however*, That after the execution of the application for, and the issuance of a license, no county shall require the persons authorized to solemnize marriages to obtain any further information from the parties to be married.

SEC. 5. Any such application shall be open to public inspection as a part of the records of the office of such County Auditor, and all applications which have been filed within three days shall be kept separately, and readily accessible to public examination.

Applications accessible to public examination.

SEC. 6. Such County Auditor shall issue no license until the third full day following the filing of such application, exclusive of the date of filing said application: *Provided, however*, That a Judge of the Superior Court for such county may, by an order in writing signed by him, direct the Auditor to deliver such license at any time after the application therefor, and said order shall be placed on file by the County Auditor as a public document, and shall constitute compliance with the provisions of this act. In all cases, the license shall state that the parties therein named have complied with the provisions of this section.

License issued upon court order.

SEC. 7. Any County Auditor is hereby authorized to refuse to issue a license to marry if, in his discretion, the applications executed by the parties or information coming to his knowledge as a result of the execution of said applications, justifies said refusal: *Provided, however*, The denied parties may appeal to the Superior Court of said county for an order to show cause, directed to said County Auditor

Refusal of county auditor to issue.

Appeal.

to appear before said court to show why said court should not grant an order to issue a license to said denied parties and, after due hearing, or if the Auditor fails to appear, said court may in its discretion, issue an order to said Auditor directing him to issue said license; any hearings held by a Superior Court under this act may, in the discretion of said court, be held in chambers.

Penalty.

SEC. 8. Any person intentionally violating any provision of this act shall be guilty of a misdemeanor.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 205.

[S. B. 467.]

STATE GRANTS TO POLITICAL SUBDIVISIONS.

AN ACT relating to unemployment; providing for the relief of unemployed persons by making available funds for the sponsoring of public works and work relief projects on the part of the state and its political subdivisions, and by emergency grants-in-aid to counties for general assistance purposes; defining the duties of certain officers in relation thereto; making an appropriation, and declaring an emergency whereby the act shall take effect April 1, 1939.

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

State aid,
political
subdivisions.

SECTION 1. The Federal government for the relief of unemployment has made and will continue to make available to the state and its political subdivisions funds for public works and work relief projects. The political subdivisions of the state are financially unable to take full advantage of Federal grants for such purposes. Therefore, in order to in-

sure the continuance of this program and the benefits accruing therefrom, it is necessary that the state assist counties, municipalities and school districts in the sponsorship of Federal public works and work relief projects and this act is enacted in furtherance of that purpose.

SEC. 2. For the purpose of assisting counties, school districts, cities and towns and other municipal corporations in sponsoring public works and work relief projects, and for emergency grants-in-aid to counties for general assistance purposes, there is hereby appropriated from the general fund to the State Social Security Committee for the biennium ending March 31, 1941, the sum of three million dollars (\$3,000,000).

Appropriation.

SEC. 3. The moneys appropriated by this act shall be allocated from time to time by the Social Security Committee on application of counties and other sponsoring agencies for grants-in-aid. The committee shall have full discretion with respect to the allocation of such funds. It shall consider each application upon its merits and may require the agency applying for a grant-in-aid to submit such data as the committee may deem necessary to enable it to make a proper distribution of the available moneys, taking into consideration the financial condition of the agency applying for the grant, the number of unemployed persons who will be benefited thereby and such other factors as the committee may deem pertinent. Grants-in-aid allowed by the committee under this act shall be paid by warrant of the State Auditor at such intervals and in such manner as may be determined by the committee. The committee shall have power to require such reports and accounts with respect to funds allocated under this act as it may deem requisite to the efficient administration thereof.

Allocation of monies by social security committee.

Grants-in-aid payments.

Vetoed.

SEC. 4. This act is necessary for the preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 19, 1939, with the exception of section 4, which is vetoed.

CHAPTER 206.

[H. B. 80.]

POWERS AND DUTIES OF PUBLIC OFFICERS RELATING TO REVENUE AND TAXATION.

AN ACT relating to revenue and taxation and the powers and duties of public officers in connection therewith, the filing of plats, the taxation of private motor vehicles, reforestation lands, utility property, private car companies, express companies and of property generally in the state, amending sections 2 and 5, chapter 228, Laws of 1937; section 1, chapter 186, Laws of 1937; section 1, chapter 15, Laws of 1931; section 1, chapter 127, Laws of 1935; sections 6 and 12, chapter 280, Laws of 1927; section 1, chapter 19, Laws Extraordinary Session 1933; section 1, chapter 48, Laws of 1933; sections 10, 12, 13, 14, 22, 52, 57, 58, 64, 68, 70, 72, 73, 81 and 105, chapter 130, Laws Extraordinary Session 1925; sections 7, 13, and 14, chapter 123, Laws of 1935; sections 7, 10, 11, and 13, chapter 146, Laws of 1933; sections 2, 3, 4, 5, 6, 7, and 8, chapter 54, Laws of 1907; sections 10 and 11, chapter 40, Laws of 1931; section 1, chapter 56, Laws of 1937; section 2, chapter 121, Laws of 1937; section 1, chapter 70, Laws of 1929; section 1, chapter 20, Laws of 1937; section 2, chapter 171, Laws of 1933; section 7, chapter 30, Laws of 1935; section 1, chapter 118, Laws of 1937 and sections 6 and 7, chapter 62, Laws of 1931; repealing chapter 104, Laws of 1933; and declaring an emergency.

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

SECTION 1. That section 2, chapter 228, Laws of 1937, being section 6312-102 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 6312-102
Rem. Rev.
Stat.

Section 2. An excise tax is hereby imposed for the privilege of using in the State of Washington any private motor vehicle. The annual amount of such excise shall be one and one-half per centum (1.5%) of the fair market value of such vehicles, but no vehicle shall be subject to a tax of less than \$1.00.

Excise tax.

SEC. 2. That section 5, chapter 228, Laws of 1937, being section 6312-105 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 6312-105
Rem. Rev.
Stat.

Section 5. The tax hereby imposed shall be due and payable to the County Auditor at the time of registration of a private motor vehicle. Whenever an application is made to the Auditor for a private motor vehicle license he shall then and there collect, in addition to the amount of the license fee, the amount of tax due under the provisions of this act and no motor vehicle license or license plates shall be issued unless such tax is paid in full. The tax hereby imposed shall be collected for each calendar year: *Provided*, That upon vehicles licensed for the first time in this state after March 31st of any year the tax imposed by this act for such year shall be reduced by one-fourth thereof, upon vehicles licensed for the first time in this state after June 30th of any year the tax shall be reduced by one-half thereof and upon vehicles licensed for the first time in the state after September 30th of any year the tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum tax in any case shall not be less than \$1.00. No additional tax shall be imposed under this act upon any vehicle upon the transfer of ownership thereof if the tax on such vehicle has already been paid for the year in which transfer of ownership occurs.

Tax due and
payable,
when.

SEC. 3. That section 10, chapter 186, Laws of 1937, being section 9304-10, Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 9304-10
Rem. Rev.
Stat.

Duty of Auditor and Assessor to refuse to file unapproved plat.

Section 10. It shall be the duty of each County Auditor to refuse to accept for filing any plat, subdivision or dedication until the approval thereof as herein prescribed has been given by the appropriate city, town or county authority. Should any such plat, subdivision or dedication be so filed without the securing of such approval, the Prosecuting Attorney of the county in which such plat is filed is hereby required to institute application for writ of mandate in the Superior Court for such county in the name of and on behalf of the city, town, or county authority required to approve, requiring the County Auditor thereof to remove from his files or records any such plat, subdivision or dedication, and the costs in such action shall be taxed against the County Auditor so accepting for filing without approval thereof as herein provided.

Amends § 11091 Rem. Rev. Stat.

SEC. 4. That section 1, chapter 15, Laws of 1931, being section 11091 of Remington's Revised Statutes, is hereby amended to read as follows:

Tax Commission, powers and duties.

Section 1. The Tax Commission shall have the power and it shall be its duty from the time hereinafter specified:

First—To exercise all powers and perform all duties now vested in and required to be performed by the Director of Taxation and Examination, except those relating to banking and savings and loan associations and those required by chapter XIII, title XVI, Remington's Revised Statutes and the Division of Municipal Corporations.

Records of valuation of property.

Second—To secure, tabulate, and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of property of public service corporations for rate mak-

ing purposes to file reports with the commission, giving such information as to such valuation and the source thereof: *Provided*, That the nature and kind of the tabulations, records of valuation and requirements from public officers, as stated herein, shall be in such form, and cover such valuations, as the Tax Commission shall prescribe.

Third—To exercise general supervision and control over the administration of the assessment and tax laws of the state, over township and county assessors, and county and township boards of equalization, and over Boards of County Commissioners, County Treasurers and County Auditors and all other county or township officers, in the performance of their duties relating to taxation, and to do and perform any act or give any order or direction to any county or township board of equalization or to any county or township assessor or to any other county or township officer as to the valuation of any property, or class or classes of property in any county, township, city or town, or as to any other matter relating to the administration of the assessment and taxation laws of the state, which, in the commission's judgment may seem just and necessary, to the end that all taxable property in this state shall be listed upon the assessment rolls and valued and assessed according to the provisions of law, and equalized between persons, firms, companies and corporations, and between the different counties of this state, and between the different taxing units and townships, so that equality of taxation and uniformity of administration shall be secured and all taxes shall be collected according to the provisions of law.

Fourth—To examine and test the work of county and township assessors at any time, and to have and possess all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if

General supervision over administration of assessment and tax laws of State.

To examine work of county or township assessors.

it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county or township in writing, and if such assessor shall neglect or refuse to comply with the request of the Tax Commission to place such property on the assessment list, or to correct such incorrect assessment or valuation the Tax Commission shall have the power to prepare a supplement to such assessment list, which supplement shall include all property required by the Tax Commission to be placed on the assessment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization.

Authority
over county
or township
boards of
equalization.

Fifth—The Tax Commission shall have power to direct and to order any county or township board of equalization to raise or lower the valuation of any taxable property, or to add any property to the assessment list, or to perform or complete any other duty required by statute. The Tax Commission may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the Tax Commission and may make such orders as it shall determine to be just and necessary. The commission may require any county board of equalization to reconvene at any time for the purpose of performing or completing any duty or taking any action it might lawfully have performed or taken at any of its previous regular July, November or April meetings. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the Tax Commission, the Tax Commission shall have

power to take any other appropriate action, or to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization: *Provided*, That in all cases where the Tax Commission shall raise the valuation of any property or add property to the assessment list, it shall give notice either for the same time and in the same manner as is now required in like cases of county boards of equalization, or if it shall deem such method of giving notice impracticable it shall give notice by publication thereof in a newspaper of general circulation within the county in which the property affected is situated once each week for two consecutive weeks, and the Tax Commission shall not proceed to raise such valuation or add such property to the assessment list until a period of five days shall have elapsed subsequent to the date of the last publication of such notice. Such notice shall give the legal description of each tract of land involved, or a general description in case of personal property; the tax record-owner thereof; the assessed value thereof determined by the county or township board of equalization in case the property is on the assessment roll; and the assessed value thereof as determined by the Tax Commission and shall state that the Tax Commission proposes to increase the assessed valuation of such property to the amount stated and to add such property to the assessment list at the assessed valuation stated. The necessary expense incurred by the Tax Commission in making such re-assessment and/or adding such property to the assessment list shall be borne by the county or township in which the property as re-assessed and/or so added to the assessment list is situated and shall be paid out of the proper funds of such county or township upon the order of the Tax Commission.

Notice of
raise in
valuation.

Sixth—To investigate the tax laws of this and

Investigation
of tax laws.

other states, and the possible taxable resources of this state for the purpose of recommending to the Legislature methods by which a more just and equitable system of taxation may be developed.

Rules and
regulations.

Seventh—To make such rules and regulations as may be necessary to carry out the powers herein granted, and for conducting hearings and other proceedings before it.

Amends
§ 11091 Rem.
Rev. Stat.

SEC. 5. That section 1, chapter 127, Laws of 1935, being section 11091 of Remington's Revised Statutes, is hereby amended to read as follows:

Tax
Commission—
additional
powers and
duties.

Section 1. The Tax Commission of the State of Washington shall have the power and it shall be its duty:

General
supervision
of system of
taxation.

First—To have and exercise general supervision of the system of taxation throughout the state, and it shall be the duty of the State Tax Commission to formulate such rules and processes for the assessment of both real and personal property for purposes of taxation as are best calculated to secure uniform assessment of property of like kind and value in the various taxing units of the state, and relative uniformity between properties of different kinds and values in the same taxing unit. The Tax Commission shall furnish to each County Assessor and Township Assessor a copy of the rules and processes so formulated. The State Tax Commission may, from time to time, make such changes in the rules and processes so formulated as it deems advisable to accomplish the purpose thereof, and it shall inform all County Assessors and Township Assessors of such changes.

General
supervision
over
assessors and
equalization
boards.

Second—To exercise general supervision over Assessors and County Boards of Equalization and the determination and assessment of the taxable property in the several counties, cities and towns of the state, to the end that all taxable property in this state shall be placed upon the assessment rolls and equalized between persons, corporations and com-

panies in the several counties of this state and between the different municipalities and counties therein, so that equality of taxation shall be secured according to the provisions of law.

Third—To take charge of and superintend the enforcement of the direct and collateral inheritance law, and the collection of taxes provided for therein.

To superintend and enforce inheritance law.

Fourth—To confer with, advise and direct Assessors, Boards of Equalization, County Boards of Commissioners, County Treasurers, County Auditors and all other county and township officers as to their duties under the law and statutes of the state, relating to taxation, and to direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and the collection of taxes, and cause complaint to be made against any of such public officers in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said commission or any member thereof may call upon County Attorneys or the Attorney General, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the state in respect to the assessment and taxation of property.

Advise county officials.

Fifth—To prescribe all forms of books and blanks to be used in the assessment and collection of taxes, and to change such forms when prescribed by law, and to recommend to the Legislature such changes as may be deemed most economical to the state and counties, and such recommendation shall be accompanied by carefully prepared bill or bills for this end.

Prescribe forms.

Sixth—The commission shall have power to require county, city and town officers to report infor-

Require reports.

mation as to assessments of property, equalization of taxes, the expenditure of the public fund for all purposes, and other information which said commission may request.

Require information as to capital.

Seventh—To require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, investments, value of property, earnings, taxes and all other facts called for on these subjects so that the commission may determine the taxable value of any property or any other fact it may consider necessary to carry out any duties now or hereafter imposed upon it, or may ascertain the relative burdens borne by all kinds and classes of property within the state, and for these purposes their records, books, accounts, papers and memoranda shall be subject to production and inspection, investigation and examination by said commission, or any employee thereof designated by said commission for such purpose, and any or all real and/or personal property in this state shall be subject to visitation, investigation, examination and/or listing at any and all times by the commission or by any employee thereof designated by said commission.

Summon witnesses.

Eighth—To summon witnesses to appear and testify on the subject of capital, funded debts, investments, value of property, earnings, taxes, and all other facts called for on these subjects, or upon any matter deemed material to the proper assessment of property, or to the investigation of the system of taxation, or the expenditure of public funds for state, county, district and municipal purposes: *Provided, however,* No person shall be required to testify outside of the county in which the taxpayer's residence, office or principal place of business, as the case may be, is located. Such summons shall be served in like manner as a subpoena issued out of the Superior Court and to be served by the Sheriff

of the proper county, and such service certified by him to said commission without compensation therefor. Persons appearing before said commission in obedience to a summons shall in the discretion of the commission receive the same compensation as witnesses in the Superior Court, to be audited by the State Auditor on the certificate of said commission.

Ninth—To visit the counties in the state, unless prevented by the necessary official duties, for the investigation of the methods adopted by the County Assessors and County Boards of Commissioners in the assessment and equalization of taxation of real and personal property; to carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

Visit counties and investigate methods of assessment.

Tenth—Any member of the commission or any employee thereof designated for that purpose may administer oaths to witnesses. In case any witness shall fail to obey the summons to appear, or refuse to testify, or shall fail or refuse to comply with any of the provisions of paragraphs seventh and eighth of this section, such person, for each separate or repeated offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five thousand dollars. Any person who shall testify falsely shall be guilty of and shall be punished for perjury.

Failure of witnesses to comply with provisions of act.

Penalty.

Perjury.

Eleventh—The commission shall thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is unequal or oppressive.

Investigation of complaints.

Twelfth—It shall be the duty of the County Assessor, on the completion of his assessment rolls each year, to furnish the Tax Commission a list of corporations, companies, associations, banks and individuals

County Assessor to furnish list of corporations to Tax Commission.

doing business of a public character whose assessed valuation is three thousand dollars or more, together with the class of property and the valuation placed on same for assessment purposes.

Amends
§ 11092 Rem.
Rev. Stat.

SEC. 6. That section 6, chapter 280, Laws of 1927, being section 11092 of Remington's Revised Statutes, is hereby amended to read as follows:

Appeal from
board of
equalization.

Section 6. Any taxpayer or taxing unit feeling aggrieved by the action of any county or township board of equalization may appeal to the Tax Commission by filing with the County Auditor a notice of appeal in duplicate within ten days after the action of such Board of Equalization, which notice shall specify the actions complained of, and said Auditor shall forthwith transmit one of said notices to the Tax Commission; and in like manner any County Assessor may appeal to the commission from any action of any county or township board of equalization. The Tax Commission shall require the board appealed from to certify the minutes of its proceedings resulting in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Amends
§ 11102 Rem.
Rev. Stat.

SEC. 7. That section 12, chapter 280, Laws of 1927, being section 11102 of Remington's Revised Statutes, is hereby amended to read as follows:

Compliance
with orders
of Tax
Commission.

Section 12. It shall be the duty of every public officer to comply with any lawful order, rule or regulation of the Tax Commission made under the provisions of this act, and whenever it shall appear to the Tax Commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation or to the levy or collection of taxes has failed to comply with the provisions of this act or with any other law relating to such duties or the rules of the commission made in pursuance thereof, the commis-

sion after a hearing on the facts may issue its order directing such public officer or employee to comply with such provisions of law or of its rules, and if such public officer or employee for a period of ten days after service on him of the commission's order shall neglect or refuse to comply therewith, the commission may apply to a judge of the Superior Court or Court Commissioner of the county in which said public officer or employee holds office for an order returnable within five days from the date thereof to compel such public officer or employee to comply with such provisions of law or of the commission's order, or to show cause why he should not be compelled so to do, and any order issued by the judge pursuant thereto shall be final. The remedy herein provided shall be cumulative and shall not exclude the Tax Commission from exercising any power or rights otherwise granted.

Compliance compelled.

SEC. 8. That section 1, chapter 19, Laws Extraordinary Session of 1933, being section 11111 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends § 11111 Rem. Rev. Stat.

Section 1. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of January at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

Property subject to assessment.

Time of valuation.

The following property, to the extent herein limited, shall be exempt from taxation:

Exemptions.

First. All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations whose seats are free to all, and the ground whereon such churches are built, not exceeding five acres in area upon which any ca-

Exemptions.

thedral or church of any recognized religious denomination is or shall be built, together with a parsonage: *Provided*, That in any case the area exempted shall include all ground covered by such churches and parsonages and the structures and ground necessary for street access, light and ventilation, but the area of unoccupied ground exempted in connection with both church and parsonage under this proviso shall not exceed the equivalent of 120 x 120 feet, except as hereinabove mentioned. The parsonage need not be on land contiguous to the church property if the total area exempted does not exceed the area above designated: *Provided*, That such grounds are used wholly for church purposes and not otherwise; also the property of other non-sectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be wholly used, or to the extent solely used for the religious purposes of such associations, or for the educational, benevolent, protective or social departments growing out of, or related to the religious work of such associations; also the property of non-profit organizations or associations engaged in character building in boys and girls under twenty-one years of age, to the extent such property is necessarily employed and devoted solely to the said objects: *Provided*, Such purposes are for the general public good and such properties are devoted to the general public benefit; also all art, scientific or historical collections of associations, maintaining and exhibiting such collections for the benefit of the general public and not for profit; also all the property of all organizations and societies of veterans of any war of the United States recognized as such by the United States War Department, which shall have national charters, and which shall have for their general purposes and objects, the preservation of the memories and associations incident to their war service and the consecration of

Exemptions.

the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation: *Provided*, Such property shall be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

Second. All property, whether real or personal, belonging exclusively to the United States, the state, any county or municipal corporation.

Third. All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safekeeping thereof, and for the meetings of fire companies: *Providing*, That such belongs to any town or fire company organized therein.

Fourth. All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, including any portion of the hospital building or other buildings in connection therewith, used as a nurses' home or residence for persons engaged in the operation thereof, or employees, or being operated as a portion of the hospital unit, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions, and the grounds, together with all real and personal property owned or used as a part of such institutions, whenever such libraries, orphanages, institutions, homes and hospitals are built and when used exclusively and not otherwise, for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes within the true intent of this act, the State Board of Health shall have access to the books of such institutions and the superintendent or manager of the library,

Exemptions. orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the Assessor that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the State Board of Health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the object to which disbursements have been applied, and shall furnish in said report full and complete vital statistics for the use and information of the State Board of Health, who may publish the same in its annual report.

Fifth. All property, real and personal, owned by or used for any school or college in this state, supported in whole or in part by gifts, endowments, or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms: *Provided*, That said property is used solely for educational purposes (or the revenue therefrom be devoted exclusively to the support and maintenance of such institution): *And provided further*, That the real property so exempt shall not exceed forty acres in extent and shall be used exclusively for college or campus purposes, or for dormitories or as a community residence for teachers or employees: *Except, however*, That any school of collegiate grade and accredited by the State Board of Education shall be entitled to an exemption of not more than forty acres of real property used exclusively for said purposes, but no corporation shall be entitled to more than one such larger exemption, and where the college is under the direction or control of any religious denomination such larger exemption shall be allowed to one college only directed or controlled by

such religious denomination: *And provided further,* Exemptions.
That real property owned or controlled by such institution and/or leased or rented by them for the purpose of deriving revenue therefrom shall not be exempt from taxation under the provisions of this section. Before any exemption provided for by this subdivision shall be allowed for any year, the institution claiming such exemption shall file with the County Assessor of the county wherein such property is situated and subject to taxation, on or before the first day of January in such year, a statement verified by the oath of the president, treasurer, or other proper officer of such institution, containing a list of all property claimed to be exempt, the purpose for which the same is used, the revenue derived from the same for the preceding year, the use to which such revenue was applied, the number of students in attendance at such school or college, and the total revenues of the same with the source from which the same was derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The County Assessor of the county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this section.

Sixth. The personal property of each head of a family or widow liable to assessment and taxation of which such individual is the actual and *bona fide* owner to an amount of three hundred dollars: *Provided,* That each person shall list all of his personal property for taxation and the County Assessor shall deduct the amount of the exemption authorized by this section from the total amount of the assessment and assess the remainder.

Seventh. The property owned by humane societies in this state in actual use by such societies not exceeding ten thousand dollars in taxable value owned by any society.

Eighth. If any provision or exemption provided for in this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole or of any provision or exemption not adjudged invalid or unconstitutional.

Repeals
ch. 104,
Laws 1933.

SEC. 9. That chapter 104, Laws of 1933, is hereby repealed.

Amends
§ 11114 Rem.
Rev. Stat.

SEC. 10. That section 10, chapter 130, Laws Extraordinary Session of 1925, being section 11114 of Remington's Revised Statutes, is hereby amended to read as follows:

List of public
lands sold.

Section 10. The assessor of each county shall, on or before the first day of January of each year, obtain from the Commissioner of Public Lands, and from the local land offices of the state, lists of public lands sold or contracted to be sold during the previous year in his county, and certify them for taxation, together with the various classes of state lands sold during the same year, and it shall be the duty of the Commissioner of Public Lands to certify a list or lists of all public lands sold or contracted to be sold during the previous year, on application of the assessor of any county applying therefor.

Amends
§ 11116 Rem.
Rev. Stat.

SEC. 11. That section 12, chapter 130, Laws Extraordinary Session of 1925, being section 11116 of Remington's Revised Statutes, is hereby amended to read as follows:

Assessment
of migratory
stock.

Section 12. When any cattle, horses, sheep or goats are driven into any county of this state for the purposes of grazing therein at any time after the first day of January in any year, they shall be liable to be assessed for all taxes leviable in that county for that year the same as if they had been in the county

at the time of the annual assessment, and it shall be the duty of the Assessor in any county in which any of said stock are driven, to assess the same, and the taxes on said stock shall become due upon the assessment of the same, and the County Treasurer shall collect said taxes at once in the manner prescribed by law for the collection of delinquent taxes: *Provided*, That such stock has not been assessed in some other county in this state for that year: *Provided further*, That upon demand of the County Assessor of any county from or into which such stock may be driven from [for] purposes of grazing, which demand must be made before July first of the assessment year, the total assessment of such stock shall be prorated between the home county of the stock and any other county or counties into which it may be driven for the purposes of grazing in proportion to the periods of time such stock is or will be physically situate in such respective counties; but no county shall be entitled to share in the assessment of grazing stock under this provision unless such stock shall have been physically situate in such county for a period of sixty (60) days or more. The payment of taxes in any other state or territory, or the proof that said stock has been assessed for that year in any other state or territory, shall in no way exempt said stock from the operation of this section.

Assessment of stock prorated between counties.

SEC. 12. That section 13, chapter 130, Laws Extraordinary Session of 1925, being section 11117 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends § 11117 Rem. Rev. Stat.

Section 13. Lumber and sawlogs shall be assessed and taxed in the county and assessment district where the same may be situated on the first day of January of the assessment year.

Taxation of lumber and saw logs.

SEC. 13. That section 14, chapter 130, Laws Extraordinary Session of 1925, being section 11118 of

Amends § 11118 Rem. Rev. Stat.

Remington's Revised Statutes, is hereby amended to read as follows:

Owner of personal property moving from one county to another or moving into state.

Section 14. The owner of personal property removing from one county to another between the first day of January and the first day of July shall be assessed in either in which he is first called upon by the Assessor. The owner of personal property moving into this state from another state between the first day of January and the first day of July shall list the property owned by him on the first day of January of such year in the county in which he resides: *Provided*, That if such person has been assessed and can make it appear to the Assessor that he is held for the tax of the current year on the property in another state or county, he shall not be again assessed for such year.

Amends § 11112 Rem. Rev. Stat.

SEC. 14. That section 1, chapter 48, Laws of 1933, being section 11124 of Remington's Revised Statutes, is hereby amended to read as follows:

Owner of personal property not residing on farm.

Section 1. When the owner of livestock or other personal property connected with a farm does not reside thereon, the property shall be listed and assessed in the county or place where the farm is situated; if not listed in said county, then to be taxed where found. All agricultural and horticultural products other than forest products, livestock and fowls, ownership of which remains in the original producer thereof on the first day of January next succeeding the harvesting thereof shall be exempt from assessment for taxation for the said year.

Products in possession of original producer.

Amends § 11135 Rem. Rev. Stat.

SEC. 15. That section 52, chapter 130, Laws Extraordinary Session of 1925, being section 11135 of Remington's Revised Statutes, is hereby amended to read as follows:

Property assessment fifty per cent of true value.

Section 52. All property shall be assessed fifty per cent of its true and fair value in money. In determining the true and fair value of real or personal property, the Assessor shall not adopt a lower

or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the land shall be valued at such price as such land would sell at a fair, voluntary sale for cash; any improvements thereon shall be separately valued and assessed as hereinabove provided; and any personal property connected therewith shall be listed, valued and assessed separately as other personal property is assessed under general law. Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash.

Determina-
tion of value.

True cash
value.

Improve-
ments.

Crops.

Mines.

Leasehold
estates.

SEC. 16. That section 57, chapter 130, Laws Extraordinary Session of 1925, being section 11140 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11140 Rem.
Rev. Stat.

Section 57. For the purpose of instruction on the subject of taxation, the County Assessors of the state shall meet with the Tax Commission at the capital of the state, or at such place within the state as they may determine at their previous meeting, on

Annual
meeting of
County
Assessors.

Expense of attending.

Time of listing.

List of persons liable to assessment of personal property.

the second Monday of October of each year or on such other date as may be fixed by the Tax Commission. Each Assessor shall be paid by the county of his residence his actual expenses in attending such meeting, upon presentation to the County Auditor of proper vouchers. The Assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each year, and in the following manner, to-wit: He shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter fifty per cent (50%) of the value of such land and of the total value of such improvements, together with the total of such fifty per cent valuations, opposite each description of property on his assessment list and tax roll. He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the Assessor shall thereupon determine the value of the property included in such statement and enter fifty per cent (50%) of the same in the assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post-office address of the party listing the property, and if the party reside in a city the Assessor shall give the street and number or other brief description of his residence or place of business.

Amends
§ 11141 Rem.
Rev. Stat.

SEC. 17. That section 58, chapter 130, Laws Extraordinary Session of 1925, being section 11141 of

Remington's Revised Statutes, is hereby amended to read as follows:

Section 58. The Assessor shall call at the office, Lists.
 place of doing business or residence of each person
 required by this act to list property, and list his
 name, and shall require such person to make a
 correct statement of his taxable property, in ac-
 cordance with the provisions of this act; and every
 person so required shall enter a true and correct True
 statement of such property in the form prescribed, statement.
 which statement shall be signed and verified by Verification.
 the oath of the person listing the property, and shall
 deliver to the Assessor, who shall thereupon assess
 the value of such property and enter fifty per cent
 (50%) of the same in his books: *Provided*, If any
 property is listed or assessed on or after the 31st
 day of May, the same shall be legal and binding
 as if listed and assessed before that time: *Provided*,
further, That if from any reason the Assessor shall
 fail to visit any such person, firm or corporation,
 the said failure shall not impair or invalidate such
 assessment.

SEC. 18. That section 64, chapter 130, Laws Ex- Amends
 traordinary Session of 1925, being section 11147 of § 11147 Rem.
 Remington's Revised Statutes, is hereby amended Rev. Stat.
 to read as follows:

Section 64. In all cases of failure to obtain a Failure to
 statement of personal property, from any cause, obtain list,
 it shall be the duty of the Assessor to ascertain procedure.
 the amount and value of such property and assess
 the same at such amount as he believes to be the
 true value thereof. The Assessor, in all cases of
 the assessment of personal property, shall deliver
 or mail to the person assessed, or to the person
 listing the property, a copy of the statement of prop-
 erty hereinbefore required, showing the valuation Copy
 of the property so listed, which copy shall be signed supplied.
 by the Assessor.

Amends
§ 11156-7
Rem. Rev.
Stat.

SEC. 19. That section 7, chapter 123, Laws of 1935, being section 11156-7 of Remington's Revised Statutes, is hereby amended to read as follows:

Annual
assessment
of operating
property of
all com-
panies.

Section 7. The commission shall, beginning with the year 1936, and annually thereafter, make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the commission may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this act, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or non-operating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: *Provided*, That in no event shall any statement or report required from any company by this act be conclusive upon the commission in determining the amount, character and true cash value of the operating property of such company.

Determina-
tion of cash
value.

Amends
§ 11156-13
Rem. Rev.
Stat.

SEC. 20. That section 13, chapter 123, Laws of 1935, being section 11156-13 of Remington's Revised Statutes, is hereby amended to read as follows:

Section 13. At any time between the twentieth day of July and the fifteenth day of August, following the making of the assessment, every company assessed under the provision of this act shall be entitled on its own motion, presented to the commission on or before the twentieth day of July, to a hearing and to present evidence before the commission, relating to the value of the operating property of such company and to the value of other taxable property in the counties in which the operating property of such company is situate. Upon request in writing for such hearing, the commission shall appoint a time and place therefor, within the period aforesaid, the hearing to be conducted in such manner as the commission shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the commission may deem proper or necessary, may be adjourned from time to time and from place to place and may be conducted by the commission or by such member or members thereof as may be duly delegated to act for it. Testimony taken before less than the entire commission shall be reported and a transcript thereof filed with the commission prior to its decision.

Hearing on
assessment.

Time and
place.

Transcript
of evidence.

SEC. 21. That section 14, chapter 123, Laws of 1935, being section 11156-14 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11156-14
Rem. Rev.
Stat.

Section 14. The assessment rolls of companies assessed under the provisions of this act shall be reviewed, examined and corrected by the State Board of Equalization at its annual meeting held in August for the purpose of equalizing the assessed valuation of the taxable property of the state and said State Board of Equalization may correct the valuation in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the

State board
to review
assessment
rolls.

Equalization.

Notice of
increase in
valuation.

Apportion-
ment to
counties.

Amends
§ 11172-7
Rem. Rev.
Stat.

Private car
companies,
annual
assessment
of operating
property.

Determina-
tion of cash
value.

state. The said State Board of Equalization shall not increase the valuation of any property on such assessment roll, without giving to the company at least five days' written notice by registered letter to appear and show cause, if any there be, why such valuation shall not be increased. Upon determination by the State Board of Equalization of the true and correct actual cash value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property in such county: *Provided*, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than \$250, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

SEC. 22. That section 7, chapter 146, Laws of 1933, being section 11172-7 of Remington's Revised Statutes, is hereby amended to read as follows:

Section 7. The commission shall, beginning with the year 1933, and annually thereafter make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the commission may take into consideration any information or knowl-

edge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this act, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or non-operating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: *Provided*, That in no event shall any statement or report required from any company by this act be conclusive upon the commission in determining the amount, character and true cash value of the operating property of such company.

SEC. 23. That section 10, chapter 146, Laws of 1933, being section 11172-10 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11172-10
Rem. Rev.
Stat.

Section 10. Every company assessed under the provisions of this act shall be entitled on its own motion to a hearing and to present evidence before the commission, at any time between the twentieth day of July and the fifteenth day of August, relating to the value of the operating property of such company and to the value of the other taxable property in the counties in which the operating property of such company is situate. Upon request in writing for such hearing, which must be presented to the commission on or before the twentieth day of July following the making of the assessment, the commission shall appoint a time and place therefor, within the respective periods aforesaid, the hearing to be conducted in such manner as the commission shall direct. Hearings provided for in this

Hearing on
assessment.

Time and
place.

section may be held at such times and in such places throughout the state as the commission may deem proper or necessary and may be adjourned from time to time and from place to place.

Amends
§ 11172-11
Rem. Rev.
Stat.

SEC. 24. That section 11, chapter 146, Laws of 1933, being section 11172-11 of Remington's Revised Statutes, is hereby amended to read as follows:

Assessment
roll sub-
mitted to
state board.

Section 11. The assessment roll of each company assessed under the provisions of this act shall, by the commission, be submitted to the State Board of Equalization at its annual meeting held for the purpose of equalizing the assessed valuation of the taxable property of the state; and said Board of Equalization may correct the valuation in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The said Board of Equalization shall not increase the valuation of any property on such assessment roll, without giving to the company at least five days' written notice, by registered letter to appear and show cause, if any there be, why such valuation shall not be increased: *Provided*, That such notice shall not be necessary if the company appear voluntarily before said board, and be there notified by said board or a member thereof that the property on such roll, or some specified part thereof, is in the opinion of the board, valued below its actual value. Upon determination by the State Board of Equalization of the true and correct actual cash value of the property appearing on such rolls the board shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties: *Provided*, That, whenever

Notice of
increased
valuation.

Apportion-
ment to
counties.

the amount of the true and correct value of the operating property of any company otherwise apportionable to any county shall be less than \$250, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

SEC. 25. That section 13, chapter 146, Laws of 1933, being section 11172-13 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11172-13
Rem. Rev.
Stat.

Section 13. When the State Board of Equalization shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the Tax Commission shall certify such equalized or assessed value to the County Assessor of the proper county; and the County Assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of his county entitled to a proportionate value thereof in the manner prescribed in section 12 hereof for apportionment of values between counties. The County Assessor shall enter such assessment upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Equalized
value
certified to
County
Assessor.

SEC. 26. That section 2, chapter 54, Laws of 1907, being section 11181 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11182 Rem.
Rev. Stat.

Section 2. Every express company, as defined in section 1 hereof, doing business in this state, shall annually, between the first and thirtieth day of April, after the passage of this act, under oath of the person constituting such company, if a person, or under oath of the president, treasurer, superintendent or chief officer in this state, of such asso-

Annual
statement,
express
companies.

ciation or corporation, if an association or corporation, make and file with the State Tax Commission a statement, in such form as the commission may prescribe, containing the following facts:

First. The name of the person, or persons, association or corporation.

Second. Under the laws of what state or country organized.

Third. The location of its principal office.

Fourth. The name and postoffice address of the president, secretary, auditor, treasurer, superintendent and general manager.

Fifth. The name and postoffice address of the chief officer, or managing agent of the company in this state.

Sixth. The entire receipts (including all sums earned or charged, whether actually received or not) for business done within this state, including its proportion of gross receipts for business done by such company within this state in connection with other companies.

Seventh. Such other facts and information as the said commission may require in the form of return prescribed by it. Blanks for making the above statement shall be prepared and furnished any express company by the said commission.

SEC. 27. That section 3, chapter 54, Laws of 1907, being section 11182 of Remington's Revised Statutes, is hereby amended to read as follows:

Section 3. The State Tax Commission shall proceed to ascertain and determine, on or before the first Monday in July, the entire gross receipts of each of said express companies for business done within the State of Washington for the year next preceding the first day of April, and the amount so ascertained shall, in such instances, be held and deemed to be the gross receipts of such express

Amends
§ 11182 Rem.
Rev. Stat.

Tax
Commission
to ascertain
gross
receipts.

company for business done within the State of Washington for the year under consideration.

SEC. 28. That section 4, chapter 54, Laws of 1907, being section 11183 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11183 Rem.
Rev. Stat.

Section 4. The commission may adjourn from time to time until the business before it is finally disposed of. In case of failure or refusal of any express company to make the statement required by law, or furnish the commission any information requested by it, the commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duty. And at any time after the meeting of the commission on the first Monday in June, and before the gross receipts of any express company for business done within the State of Washington are determined, any person, company or corporation interested shall have the right, on written application, to appear before the commission and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any express company for business done in the State of Washington and before the certification of the State Tax Commission of such amount, the commission may, on the application of any person, company or corporation interested, or on its own motion, review and correct its findings, in such manner as may seem to it to be just and proper.

Refusal of
express
company
to make
statement.

Hearing.

SEC. 29. That section 5, chapter 54, Laws of 1907, being section 11184 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11184 Rem.
Rev. Stat.

Section 5. In case any express company shall refuse, fail or neglect to make and file the statement or schedule, as provided for in this act, such company shall be subject to a penalty of five hundred dollars (\$500), and an additional penalty of one hundred dollars (\$100) for each day's omission after

Penalty for
failure to file
statement.

Attorney
General to
institute
action.

the thirtieth day of April to file its statement, said penalty to be recovered by action in the name of the state, and, on collection, paid into the state treasury to the credit of the general fund of the state. The Attorney General, on request of the State Tax Commission, shall institute such action against any such person or persons, joint stock company or corporation so delinquent in any court of competent jurisdiction in this state.

Amends
§ 11185 Rem.
Rev. Stat.

SEC. 30. That section 6, chapter 54, Laws of 1907, being section 11185 of Remington's Revised Statutes, is hereby amended to read as follows:

Attendance
of witnesses
before
commission.

Section 6. The State Tax Commission shall have power to require the president, secretary, treasurer, receiver, superintendent, managing agent, or other officer, or employee, or agent, of any express company, or any person, joint stock company or corporation, engaged in the express business, to attend before the commission, and bring with him for the inspection of the commission any books or papers, of such person or persons, joint stock company or corporation, in his possession, or under his control, and to testify under oath, touching any matter relating to the organization or business of such person or persons, joint stock company, or corporation. Any member of the commission is authorized and empowered to administer such oath. Any officer, employee or agent, who shall refuse to attend before the commission when requested so to do, or shall refuse to bring with him and submit for the inspection of the commission any books, records or papers in his possession, custody or control, or shall refuse to answer any questions put to him by the commission or any member thereof, touching the organization or business of such person, persons, joint stock company or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof,

Penalty for
refusal
to attend
or submit
records.

shall be fined not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100).

SEC. 31. That section 7, chapter 54, Laws of 1907, being section 11186 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11186 Rem.
Rev. Stat.

Section 7. The State Tax Commission shall on the first Monday in August, annually, enter the amount of gross receipts of express companies doing business in this state, for the year then next preceding the first day of April, as determined as provided for in section 3 of this act in a book provided for that purpose. It shall be the duty of the State Treasurer, annually, to collect from each such express company, doing business in this state, a sum in the nature of an excise or privilege tax, to be computed by taking five per cent (5%) of the amount fixed by the State Tax Commission as the gross receipts of such express company for business done within the State of Washington for the year next preceding the first day of April, as determined and certified by the State Tax Commission: *Provided*, Nothing contained in this act shall exempt or relieve any express company from the assessment and taxation of their tangible property in the manner authorized and provided by law. All taxes collected under the provisions of this act shall be credited to the state general fund.

Five per cent
tax on gross
receipts.

SEC. 32. That section 8, chapter 54, Laws of 1907, being section 11187 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11187 Rem.
Rev. Stat.

Section 8. If any express company fails or refuses to pay the said tax as provided for in section 7 before the thirtieth day of September, annually, the State Treasurer shall proceed to collect the tax, together with interest, at the rate of fifteen per cent (15%) per annum, by suit instituted by the Attorney General, whose duty it shall be, upon the request of the State Treasurer, or upon request of

Collection
of tax.

the State Tax Commission, to prosecute any and all proceedings for the collection of such tax.

Amends
§ 11219-10
Rem. Rev.
Stat.

SEC. 33. That section 10, chapter 40, Laws of 1931, being section 11219-10 of Remington's Revised Statutes, is hereby amended to read as follows:

Report of
cutting.

Section 10. Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this act, the owner of such lands shall, on or before the first day of January of each year, report under oath to the State Forest Board and the Assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same are cut. If no such report of cutting is made, or if the Assessor or the board shall believe the report to be inaccurate, incorrect or mistaken, either the Assessor or the board may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. If both the Assessor and the board make separate determinations of the amount of such cutting, the determination of the board shall be accepted and used as a basis for computation of the yield tax. As soon as the report is filed, if the Assessor and the board are satisfied with the accuracy of the report, or if dissatisfied, as soon as the Assessor or the board shall have determined the amount of timber or forest crop cut, as herein provided, the board shall determine the full current stumpage rates for the timber or forest crop cut, and shall notify the Assessor of the county in which the lands are situated of the rates so fixed by it, and the Assessor shall thereupon compute, and there shall become due and

Amount
determined.

Stumpage
rates.

payable from the owner, a yield tax equal to twelve and one-half per cent ($12\frac{1}{2}\%$) of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the board: *Provided*, Whenever within a period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one per cent (1%) for each year that has expired from the date of such classification until such cutting: *Provided, further*, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop. Yield tax.

Whenever the owner is dissatisfied with either the determination of the amount cut as made by the Assessor or the board, or with the full current stumpage rates as fixed by the board, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved, the County Assessor of the county, and the board, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. Payment under protest.

Court action.

Judgment.

Amends
§ 11219-11
Rem. Rev.
Stat.

SEC. 34. That section 11, chapter 40, Laws of 1931, being section 11219-11 of Remington's Revised Statutes, is hereby amended to read as follows:

Classified
lands.

Contract for
assessment.

Provisions.

Section 11. Owners of land previously classified as reforestation lands under the provisions of this act may prepare a list of such lands, describing the same by government legal subdivision, and file such list with the State Forest Board with the request that the board enter into an agreement providing for the assessment and taxation of such lands as provided in this section. If the board shall deem it advisable, it may enter into a written agreement with such owner, providing that such lands shall be assessed for taxation purposes as in this act provided, which assessed valuations shall continue for a definite number of years, to be stated in such agreement, which shall not exceed the number of years estimated by said board as necessary to mature the forest crops growing or to be grown on such lands, and shall provide that if the timber or forest material thereon have not been removed at the expiration of such period the yield tax required by the agreement shall be paid whenever such removal takes place. The agreement shall provide that when any part of the forest crop is cut, such cutting shall be done, and the area cut reforested and protected from fire in accordance with such rules and regulations as the board may prescribe. Such an agreement shall set forth the requirements of the owner with respect to reforestation, cultivation, care and protection of forests grown and to be grown on such lands; shall require the owner to comply with all the laws of the State of Washington with respect to forest fire protection; shall require the owner to report to the State Forest Board and to the County Assessor of the county in which the lands are situated the amount of timber or forest material cut during the twelve months prior to the first day of January of each year, and

that the Assessor or board may, in case of dissatisfaction with the report or failure to make the same, determine the amount so cut; and shall require the owner to secure a permit and furnish and file a bond, or make cash deposit in lieu thereof, as required by this act for other lands under this act but not covered by a written agreement; and shall require the owner to pay to the County Treasurer of the county in which any lands are located from which any forest materials are cut a yield tax of twelve and one-half per cent ($12\frac{1}{2}\%$) of the value of such forest materials, based upon full current stumpage rates at the time such forest materials are cut, in accordance with schedules of stumpage rates to be furnished by the State Forest Board at the time of such cutting; and shall contain a proviso that if, within twelve years following the date of entering into such agreement, any forest material shall be cut on such lands, the owner of such lands shall be required to pay a yield tax of one per cent (1%) for each year that expires from the date of such agreement until such cutting; and may provide that no yield tax need be paid on any forest materials cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop. The agreement shall provide that if the owner shall fail to comply with all the conditions and requirements of the agreement and the various provisions of this act, the state, acting through the board, may at its option, cancel said agreement, and that after the date of such cancellation, the lands covered by the agreement shall be assessed and taxed without regard to provisions of the agreement, and shall pay the yield tax and any other tax that similar lands are required to pay, at the same time and in the same manner as if such lands had never been covered by the agreement. Upon any such cancellation, the lands in question shall be taxed an amount to be determined by the

Provisions of agreement.

board, equivalent to the difference, if any, between the tax paid thereon under the agreement, and the tax paid during the period said lands have been under said agreement by similar lands. The amount of such difference in taxes, if any, shall be reported by the board to the County Treasurer of the county in which such lands are located, and the County Treasurer shall enter the amount thereof upon his tax rolls against said lands, and thereupon the amount thereof shall become a lien against such lands and shall become payable at the same time, and collected in the same manner as general taxes for the current year. Upon entering into such agreement, the board shall furnish the State Tax Commission with two copies of such agreement and the State Tax Commission shall furnish a copy of such agreement to the County Assessor of the county in which such lands are located, and thereafter such lands shall only be assessed and taxed in accordance with the terms of such agreement and as in this act provided. Whenever the owner, or owners, of any lands shall make written application to the board for an agreement with the state under this act, the board shall, within one year after receiving such written application, act upon same and determine whether the state will enter into such agreement.

Copies.

Amends
§ 11220 Rem.
Rev. Stat.

SEC. 35. That section 68, chapter 130, Laws Extraordinary Session of 1925, being section 11220 of Remington's Revised Statutes, is hereby amended to read as follows:

Equalization
of assess-
ments, local
boards.

Section 68. The County Commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county: *Provided*, That in counties having a city or cities of the first or second class, the city council or other governing body thereof shall select a committee of three members of such council or other

governing body to act with the Board of County Commissioners as a board of equalization, as to all property in their respective cities: *Provided further*, That in counties under township organization, the chairman of the township supervisors of the several townships, at a meeting called by the County Auditor for that purpose, shall select a committee of three, one from each County Commissioner's district, to sit with the County Board of Equalization as members of said County Board of Equalization as to all property outside the corporate limits of any city or town. The members of said board shall receive five dollars (\$5.00) per day for each day of actual attendance of the meeting of the Board of Equalization to be paid out of the current expense fund of the county. The Board of Equalization shall meet in open session for this purpose annually on the first Monday in July at the office of the County Assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the County Assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price

Compensation.

Sessions.

Clerk.

Duties of board.

Reduction.

or sum as they believe to be the true and fair value thereof.

Increased valuation.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Reduction upon complaint.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Records.

The County Assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of County Commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the County Board of Equalization. Having corrected the real and personal assessment rolls in accordance with the changes made by the said County Board of Equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall

be retained in his office, and one copy forwarded to the State Board of Equalization on or before the first day of August next following the meeting of the County Board of Equalization.

The County Board of Equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed two weeks, but shall remain in session not less than three days: *Provided, That*, in addition to the several times fixed by statute, any County Board of Equalization may be reconvened for special or general purposes at any time by order of the State Tax Commission. Sessions.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the State Board of Equalization for the purpose of raising the state revenue. Extension
on rolls.

Boards of County Commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person. Changing
valuation.

SEC. 36. That section 70, chapter 130, Laws Extraordinary Session of 1925, being section 11222 of Remington's Revised Statutes, is hereby amended to read as follows: Amends
§ 11222 Rem.
Rev. Stat.

Section 70. The members of the Tax Commission shall constitute the State Board of Equalization; the chairman of the Tax Commission shall be the president of the board, and the secretary of the Tax Commission shall be the secretary thereof. The board shall remain in session not to exceed twenty days; it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the fifteenth day of August, Sundays and holidays excepted, at the office of the Tax Commission, and shall examine and State Board
of Equaliza-
tion.

Annual
meeting.

Duties.

compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the Tax Commission, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible, in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes.

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published annually by the State Tax Commission.

Third. They shall have authority to adopt the rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by said board.

Maximum
levy limit.

The State Board of Equalization shall levy the state taxes authorized by law: *Provided*, That the amount levied in any one year for general state purposes shall not exceed five mills on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty per cent (50%) of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the board, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the board.

Levy on
counties.

Within three days after the completion of the duties hereinabove prescribed, the president and

secretary of the board shall certify the record of the proceedings of the board, the tax levies made for state purposes and the apportionment thereof among the counties, to the State Auditor.

Record certified to State Auditor.

SEC. 37. That section 72, chapter 130, Laws Extraordinary Session of 1925, being section 11224 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends § 11224 Rem. Rev. Stat.

Section 72. It shall be the duty of the County Assessor of each county, when he shall have received from the State Tax Commission the assessed valuation of the property of railroad and other companies assessed by the commission and apportioned to the county, and placed the same on the tax rolls, and received the report of the State Auditor of the amount of taxes levied for state purposes, to compute the required per centum on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: *Provided*, That the rates so computed shall not be such as to raise a surplus of more than five per cent (5%) over the total amount required by the State Board of Equalization.

Railroad and other companies, taxes extended upon tax rolls.

SEC. 38. That section 73, chapter 130, Laws Extraordinary Session of 1925, being section 11234 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends § 11234 Rem. Rev. Stat.

Section 73. It shall be the duty of the County Assessor of each county, when he shall have received from the State Tax Commission the certificate of the assessed valuation of the property of railroad and/or other companies assessed by the commission and apportioned to the county, and shall have distributed the value so certified to him to the several taxing districts in his county entitled to a proportionate value thereof, and placed the same upon the tax rolls of the county, to certify to the Board of County Commissioners and to the

Distribution of value.

officers authorized by law to estimate expenditures and/or levy taxes for any taxing district coextensive with the county, the total assessed value of property in the county as shown by the completed tax rolls, and to certify to the officers authorized by law to estimate expenditures and/or levy taxes for each taxing district in the county not coextensive with the county, the total assessed value of the property in such taxing district.

Amends
§ 11242 Rem.
Rev. Stat.

SEC. 39. That section 81, chapter 130, Laws Extraordinary Session of 1925, being section 11242 of Remington's Revised Statutes, is hereby amended to read as follows:

Assessment
Year.

Section 81. The assessment year contemplated in this act and the fiscal year contemplated in this act shall commence on January 1st and end on December 31st in each year.

Amends
§ 11244-1D
Rem. Rev.
Stat.

SEC. 40. That section 1, chapter 56, Laws of 1937, being section 11244-1D of Remington's Revised Statutes, is hereby amended to read as follows:

Collection
of taxes.

Section 1. Whenever extraordinary conditions have caused such delay in the completion of the assessment and taxation process as to have made it impossible for any County Treasurer to give timely notice to taxpayers of the amount of their taxes due, such County Treasurer may apply to the State Tax Commission for an order extending the period within which rebates may be had upon full payment of taxes. His application shall state fully the facts upon which such request for extension is based. Upon receipt of any such application the Tax Commission shall make such inquiry and investigation as may be necessary to determine whether or not there is any likelihood that a considerable number of taxpayers will be deprived of the rebate privilege for lack of notice, and through no fault of their own. If the commission upon investigation deems the application meritorious it shall issue its order extend-

Delay in
completion
of assess-
ment, exten-
sion of time
for rebates.

ing the rebate period for such time after March 15th of the year in which the taxes are due and payable as in its judgment is appropriate under the circumstances. Such extension shall in no event, however, exceed sixty days.

SEC. 41. That section 2, chapter 121, Laws of 1937, being section 11245 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11245 Rem.
Rev. Stat.

Section 2. On receiving the tax rolls from the County Auditor the Treasurer shall post all real and personal property taxes from said rolls to the Treasurer's tax segregation register, and shall carry forward to the current tax rolls, or if he so elects to a separate card or other record of delinquencies, a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite or under the property upon which the said taxes are delinquent, in a space provided for that purpose, showing the amounts for each year, and shall then give notice by publication in some newspaper having general circulation in the county, once in each of three consecutive weeks, that the tax rolls have been turned over to him for collection of taxes thereon, on and after the fifteenth day of February. The Treasurer shall notify each taxpayer in his county, at the expense of the county, having printed on said notice the name of each tax and the levy made on the same, of the amount of his real and personal property, and the total amount of tax due on the same; and from and after the taking effect of this act the County Treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county.

Real and
personal tax
register.

Record of de-
linquencies.

Notice to
taxpayers

Treasurer
sole collector.

SEC. 42. That section 1, chapter 70, Laws of 1929, being section 11247-1 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11247-1
Rem. Rev.
Stat.

Standing
timber
severed after
assessment.

Section 1. Whenever standing timber which has been assessed as real estate is severed from the land as part of which it was so assessed, it may be considered by the County Assessor as personal property, and the County Treasurer shall thereafter be entitled to pursue all of the rights and remedies provided by law for the collection of personal property taxes in the collection of taxes levied against such timber: *Provided*, That whenever the County Assessor elects to treat severed timber as personalty under the provisions of this section, he shall immediately give notice by mail to the person or persons charged with the tax of the fact of his election, and the amount of tax standing against the timber.

Amends
§ 11250 Rem.
Rev. Stat.

SEC. 43. That section 1, chapter 20, Laws of 1937, being section 11250 of Remington's Revised Statutes, is hereby amended to read as follows:

Removal of
personal
property
anticipated.

Section 1. Whenever in the judgment of the Assessor or the County Treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, the Treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property being or about to be removed or dissipated, the amount of the tax, the amount of accrued interest at the rate of ten per cent (10%) per annum from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of ten per cent (10%) per annum from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in section 86 of this act.

Distraint
and sale.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about to be dissipated at any

time subsequent to the first day of January in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and section 88 of this act, together with the name of the owner and a brief description of the property assessed, shall be entered forthwith by the County Treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied for the year in which payment or collection is made.

Rate of levy
computed.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the County Treasurer, or his deputy, shall have the same power to distrain and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes, shall have the same powers as are now by law given to the Sheriff in making levy and sale of property on execution.

Removal
prior to levy.

SEC. 44. That section 2, chapter 171, Laws of 1933, being section 11264 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 11264 Rem.
Rev. Stat.

Section 2. Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the County Assessor, who must carefully investigate and ascertain the relative or

Any person
may pay tax.

Payment on
part of tract.

proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the Assessor shall forthwith certify such proportionate value to the County Treasurer: *Provided*, Where the assessed valuation of the tract to be divided exceeds two thousand dollars (\$2,000) a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the County Assessor within twenty days from date of notice, the County Assessor shall duly certify the proportionate value to the County Treasurer. The County Treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the County Assessor. In cases where protest is filed to said division appeal shall be made to the County Commissioners at their next regular session for final division, and the County Treasurer shall accept and receipt for said taxes as determined and ordered by County Commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the County Treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Notice.

Protest; appeal to County Commissioners.

Payment on undivided interest.

Amends § 11265 Rem. Rev. Stat.

Lien on real property.

Lien on personal property.

SEC. 45. That section 7, chapter 30, Laws of 1935, being section 11265 of Remington's Revised Statutes, is hereby amended to read as follows:

Section 7. The taxes assessed upon real property shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between a grantor and a grantee such lien shall not attach until the fifteenth day of February of the succeeding year. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property from and after the date upon which the

same is listed with and valued by the County Assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the Treasurer as provided in section 86 of this act, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the County Treasurer and designated and charged upon the tax rolls as provided in section 112 of this act, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

Lien to follow property.

Personal taxes lien upon real property.

SEC. 46. That section 105, chapter 130, Laws Extraordinary Session of 1925, being section 11266 of Remington's Revised Statutes, is hereby amended to read as follows:

Amends § 11266 Rem. Rev. Stat.

Section 105. Whenever any person, firm or corporation, shall, subsequent to the first day of January of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the County Assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon fifty per cent (50%) of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state,

Stock of goods brought into state.

Notice to Assessor.

Assessment.

county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state from outside the state any goods or merchandise after the first day of January shall be deemed subject to the provisions of this section.

Amends
§ 11281 Rem.
Rev. Stat.

SEC. 47. That section 1, chapter 118, Laws of 1937, being section 11281 of Remington's Revised Statutes, is hereby amended to read as follows:

Foreclosure
hearing.

Section 1. The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been

Judgment.

charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the Judge of the Superior Court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the County Treasurer, and shall be full and sufficient authority for him to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The County Treasurer shall immediately after receiving the order and judgment of the court proceed to sell said property as provided in this act to the highest and best bidder for cash. All sales shall be made on Saturday between the hours of 9 o'clock

in the morning and 4 o'clock in the afternoon, and shall continue from day to day (Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in such county, one of which shall be in the office of said Treasurer. Said notice shall be substantially in the following form:

TAX JUDGMENT SALE.

Form of notice of tax judgment sale.

Public notice is hereby given that pursuant to real property tax judgment of the Superior Court of the county of _____, in the State of Washington, and an order of sale duly issued by said court, entered the _____ day of _____, _____, in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the _____ day of _____, _____, at _____ o'clock a. m., at the front door of the courthouse in the city of _____, and county of _____, State of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to-wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this _____ day of _____, _____

 Treasurer of _____ County,
 State of Washington.

County officer or employee may not purchase.

Provided, That no county officer or employee shall directly or indirectly be a purchaser of such property at such sale. The Treasurer may include in one notice any number of separate tracts or lots: *Provided further*, That if any buildings or improvements shall be upon an area encompassing more than one tract or lot, the same must be advertised and sold

as a single unit. Should the highest amount bid for any such separate unit tract or lot be in excess of the entire amount of the taxes and interest due upon the whole property included in such certificate of delinquency, such excess shall be refunded to the record owner of the property. The County Treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the County Treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

Separate unit tract.

Excess refunded to record owner.

Tax deed.

Deed recorded.

Form of deed.

State of Washington }
 County of } ss.

This indenture, made this day of,
, between, as Treasurer of County, State of Washington, party of the first part, and, party of the second part:

Witnesseth, that, whereas, at a public sale of real property held on the day of,, pursuant to a real property tax judgment entered in the Superior Court in the county of on the day of,, in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, duly purchased in compliance with the laws of the State of Washington, the following described real property, to-wit: (Here place description of real property conveyed) and that said has complied with the laws of the State of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I,
 County Treasurer of said county of,

State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases provided, do hereby grant and convey unto, his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this day of, A. D.

.....
County Treasurer.

Amends
§ 11315-6
Rem. Rev.
Stat.

SEC. 48. That section 6, chapter 62, Laws of 1931, being section 11315-6 of Remington's Revised Statutes, is hereby amended to read as follows:

Limitation
of actions.

Section 6. No action instituted pursuant to this act or otherwise to recover any tax assessed or levied prior to the passage of this act shall be brought subsequent to January 30th, 1932. No action instituted pursuant to this act or otherwise to recover any tax levied or assessed subsequent to the passage of this act shall be commenced after the 30th day of the next succeeding June following the year in which said tax became payable.

Amends
§ 11315-7
Rem. Rev.
Stat.

SEC. 49. That section 7, chapter 62, Laws of 1931, being section 11315-7 of Remington's Revised Statutes, is hereby amended to read as follows:

Exclusive
remedy.

Section 7. Except as permitted by this act, no action shall ever be brought or defense interposed attacking the validity of any tax, or any portion of any tax: *Provided, however,* That this section shall not be construed as depriving the defendants in any tax foreclosure proceeding of any valid defense allowed by law to the tax sought to be foreclosed therein except defenses based upon alleged excessive valuations, levies or taxes.

Actions
pending.

SEC. 50. The enactment of this act shall not be construed to abate any process or proceeding involving the assessment of any property or the levy or collection of any tax which may be pending at the

time this act takes effect but this act shall be construed to be a continuation of the provisions of the several acts which are hereby amended.

SEC. 51. If any portion of this act, or its application to any individual or circumstance, be declared invalid or unconstitutional, such adjudication shall not affect, impair or invalidate the remainder of the act or its application to any other individual or circumstance not involved in the action wherein such adjudication was made. Partial
invalidity.

SEC. 52. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective
immediately.

Passed the House March 8, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 207.

[H. B. 90.]

RETIREMENT AND PENSION SYSTEM FOR DISABLED EMPLOYEES OF FIRST-CLASS CITIES.

AN ACT enabling the creation and establishment of retiring and pension systems for superannuated and disabled officers and employees of cities of the first class; providing for the payment of retirement allowances; prescribing the conditions on which said allowances shall be paid; fixing rates of contribution and providing for the adjustment thereof; and providing for the administration of said systems.

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

SECTION 1. Any city attaining the status of a first-class city after July 1, 1939, is empowered by this act to establish retirement and pension systems for superannuated or totally and permanently disabled officers and employees of cities of the first class. Retirement
and pension
system.

Definitions.

SEC. 2. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings:

"Retirement system."

(a) "Retirement system" shall mean "employee's retirement system," provided for in section 3 of this act.

"Employee."

(b) "Employee" shall mean any regularly appointed officer or regularly appointed employee of a first-class city as described in section 1, whose compensation in such employment is paid wholly by that city.

"Member."

(c) "Member" shall mean any person included in the membership of the retirement system as provided in section 4 of this act.

"City."

(d) "City" shall mean any city of the first class as described in section 1.

"Board."

(e) "Board" shall mean "board of administration" as provided in section 9 of this act.

"Retirement fund."

(f) "Retirement fund" shall mean "employee's retirement fund" as created and established in section 8 of this act.

"City service."

(g) "City service" shall mean service rendered to city for compensation, and for the purpose of this act, a member shall be considered as being in city service only while he is receiving compensation from the city for such service.

"Prior service."

(h) "Prior service" shall mean the service of a member for compensation rendered to the city prior to July 1, 1939, and shall also include military or naval service of a member to the extent specified in section 6 of this act.

"Continuous service."

(i) "Continuous service" shall mean uninterrupted employment by that city, except that discontinuance of city service of a member caused by lay-off, leave of absence, suspension, or dismissal, followed by re-entrance into city service within one year, shall not count as a break in the continuity of

service: *Provided*, That for the purpose of establishing membership in the retirement system continuous service shall mean six (6) months' service in any one year.

(j) "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this act. "Beneficiary."

(k) "Compensation" shall mean the compensation payable in cash, plus the monetary value, as determined by the Board of Administration, of any allowance in lieu thereof, but such compensation shall not exceed four hundred dollars (\$400) per month. "Compensation."

(l) "Compensation earnable" by a member shall mean the average compensation as determined by the Board of Administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay, but such "compensation earnable" shall not exceed four hundred dollars (\$400) per month. "Compensation earnable."

(m) "Final compensation" shall mean the average annual compensation earnable by a member during the ten (10) years immediately preceding his retirement. "Final compensation."

(n) "Normal contributions" shall mean contributions at the rate provided for in subdivision (a) of section 5 of this act. "Normal contributions."

(o) "Additional contributions" shall mean the contributions provided for in subdivision (d) of section 5 of this act. "Additional contributions."

(p) "Regular interest," unless changed by the Board of Administration as provided in section 7 of this act, shall mean interest at four per cent (4%) per annum, compounded annually. "Regular interest."

(q) "Accumulated normal contribution" shall mean the sum of all normal contributions, deducted from the compensation of a member, standing to the "Accumulated normal contribution."

credit of his individual account, together with regular interest thereon.

"Accumulated additional contributions."

(r) "Accumulated additional contributions" shall mean the sum of all the additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

"Accumulated contributions."

(s) "Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

"Pension."

(t) "Pension" shall mean payments derived from contributions made by the city as provided for in sections 14 and 16 of this act.

"Annuity."

(u) "Annuity" shall mean payments derived from contributions made by a member as provided in sections 14 and 16 of this act.

"Retirement allowance."

(v) "Retirement allowance" shall mean the pension plus the annuity.

"Fiscal year."

(w) "Fiscal year" shall mean any year commencing with January 1, and ending with December 31, next following.

"Creditable service."

(x) "Creditable service" shall mean such service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in section 12 of this act.

Establishment of retirement system.

SEC. 3. A retirement system is hereby created and established in each city of the first class in each first-class county to be known as the "employee's retirement system." This act shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any City Council, City Commission or Board of Administration shall deem necessary.

SEC. 4. (a) With the exception of those employees who are excluded from membership as herein provided, all employees shall become members of the retirement system as follows: Members.

(1) Every employee in city service as defined in this act, on July 1, 1939, shall become a member of the retirement system on that date.

(2) Every employee who enters or re-enters city service after July 1, 1939, shall become a member of the retirement system upon the completion of six (6) months of continuous service.

(b) The following shall be specifically exempted from the provisions of this act: Exemptions.

(1) Members of the police departments who are entitled to the benefits of the police relief and pension fund as established by state law.

(2) Members of the fire departments who are entitled to the benefits of the firemen's relief and pension fund as established by state law.

(c) It shall be the duty of the head of each office or department to give immediate notice in writing to the Board of Administration of the change in status of any member of his office or department, resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the board may require. Notice of change in status of member.

(d) Each member shall be subject to all the provisions of this act and to all the rules and regulations adopted by the Board of Administration. Should the service of any member, in any period of ten (10) consecutive years, amount to less than five (5) years, or should he withdraw more than one quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

SEC. 5. (a) The normal rate of contribution of members shall be those adopted by the Board of Contributions.

Administration, subject to the approval of the City Council or City Commission, and for the first five-year period such rates shall be based on sex and on age of entry into the retirement system, which age shall be the age at the birthday nearest the time of entry into the system. The rates so adopted shall remain in full force and effect until revised or changed by the Board of Administration in the manner provided in section 7 of this act. The normal rates of contribution shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall give as nearly as may be a retirement allowance at the age of sixty-two (62) years of one and one-third per cent ($1\frac{1}{3}\%$) of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty-one (61) shall be the rate for any member who has attained a greater age before entry into the retirement system. The normal rate of contribution for age twenty (20) shall be the rate for any member who enters the retirement system at an earlier age.

Rates.

Deduction of
contribu-
tions.

(b) Subject to the provision of this act, the Board of Administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subdivision (a) of this section. The head of the department shall apply such rate of contribution to so much of the compensation of a member as does not exceed four hundred dollars (\$400) per month, and shall certify to the City Comptroller on each and every payroll the amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be deducted by the City Comptroller and shall be paid into the retirement fund, hereinafter pro-

vided for, and shall be credited by the board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contribution shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this act.

Consent presumed.

(c) At the end of each payroll period, the board shall determine the aggregate amount of the normal contributions for such period, and shall certify such aggregate to the City Comptroller, who shall thereupon transfer to the retirement fund, hereinafter provided for, from the money appropriated for that purpose in the budget for the fiscal year, an amount equal to the aggregate normal contributions for the period received from members.

City to match aggregate contributions.

(d) Any member may elect to contribute at rates in excess of those provided for in subdivision (a) of this section, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the city any additional financial obligation. The Board of Administration, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contribution.

Election to contribute in excess of rate.

SEC. 6. (a) Subject to the following and all other provisions of this act, including such rules and regulations as the board shall adopt in pursuance thereof, the board, subject to the approval of the City Council or City Commission, shall determine and may modify allowance for service.

Allowance for service determined and modified.

Time during which a member is absent on leave without pay shall not be allowed in computing service: *Provided, however,* That any member shall be given credit for any period served by him in the National Guard, or in the United States Army, Navy, or Marine Corps, upon the call of the President, if at the time of such service such member was a regular employee under leave of absence. Certificate of honorable discharge from and/or documentary evidence of such service shall be submitted to the board in order to obtain credit for such service.

Member to
furnish
information.

Each member shall file with the board such information affecting his status as a member of the retirement system as the board may require.

Credit for
prior
service.

(b) The board shall grant credit for prior service to each member entering the retirement system on July 1, 1939, and to each member entering after that date, if such entry is within one year after rendering service prior to July 1, 1939: *Provided, however,* That the board may grant credit for prior service to those entering the retirement system after July 1, 1939, where the employee, because of sickness or other disability, has been on leave of absence, regularly granted, since discontinuance of city service, regardless of the length of such leave. No prior service credit shall be used as a basis for retirement or other benefit unless the membership continues until retirement on a retirement allowance or until the granting of other benefits.

Administra-
tion.

SEC. 7. The administration of the retirement system is hereby vested in the Board of Administration created in section 9 of this act. The board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

Data on file
for actuarial
valuation.

(a) The board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. At the end of the five-year period beginning with the

year 1939, and at the end of every five-year period thereafter, the board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members, and beneficiaries as defined by this act; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council or City Commission, shall:

Actuarial
investigation
and
valuation.

Revisions.

(1) Make any necessary changes in the rate of interest;

(2) Adopt for the retirement system such mortality, service and other tables as shall be necessary;

(3) Revise or change the rates of contribution by members on the basis of such mortality, service and other tables.

(b) The board shall promptly transmit to the City Council or City Commission a report covering the actuarial investigation and actuarial valuation provided for in subdivision (a) of this section.

(c) In addition to other records and accounts, the board shall keep such detailed reports and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

(d) The board shall annually transmit to the City Council or City Commission a report showing the financial condition of the fund established by this act.

SEC. 8. A fund is hereby created and established in all cities of the first class as under this act provided to be known as the "employee's retirement fund" and shall consist of all the moneys paid into it in accordance with the provisions of this act, whether such moneys shall take the form of cash, securities, or other assets.

Employees'
retirement
fund.

SEC. 9. (a) There is hereby created and established a Board of Administration in each city coming

Board of Administration established.

under this act, which shall, under the provisions of this act and the direction of the City Council or City Commission, administer the retirement system and the retirement fund created by this act. Under and pursuant to the direction of the City Council or City Commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

Members.

(b) The Board of Administration shall consist of seven (7) members, as follows: three (3) members appointed by the regular appointing authority of the city, and three (3) employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

Investments.

(c) The investment of all or any part of the retirement fund shall be subject to the terms, conditions, limitations and restrictions imposed by the laws of the State of Washington upon the making of investments by savings banks: *Provided, however,* That the board may invest in any of the bonds or warrants issued by the city including local improvement bonds and warrants and utility bonds and warrants.

Deposits.

(d) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the State of Washington.

Custodian of retirement fund.

(e) The City Treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the City Treasurer but only upon warrant duly executed by the City Comptroller.

Beneficial interest in investments prohibited.

(f) Except as herein provided, no member and no employee of the Board of Administration shall

have any interest, direct or indirect, in the making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board.

SEC. 10. (a) There shall be paid into the retirement fund by contributions of the city, the amounts necessary to pay all pensions and all other benefits allowable under this act to members on account of prior service, and minimum allowances provided for in section 14 of this act. Until the amount accumulated in the retirement fund becomes at least as large as the present value of all amounts thereafter payable from said fund the amount annually due to the said fund under this section shall be the amount payable from said fund in the ensuing fiscal year on account of prior service and minimum allowances.

Payments
into fund
by city.

SEC. 11. The payments of the city due the retirement fund as provided for in this act are hereby made obligations of the city as defined in this act. The board shall annually, on or before the 10th day of July each year, prepare and submit to the City Council or City Commission an estimate of the amounts necessary to meet such obligations, and the City Council or City Commission shall provide for the raising of such amounts as are necessary to make such payments.

Payments
due,
obligation
of city.

SEC. 12. (a) Should the service of a member be discontinued, except by death or retirement, he shall be paid not later than six (6) months after the day of discontinuance such part of his accumulated con-

Service of
member
discontinued.

Payment of
accumulated
contribu-
tions.

tributions as he shall demand: *Provided, however,* That a member may appeal to the board and by unanimous vote, the board may grant a request for immediate withdrawal of contributions. If in the opinion of the board said member is permanently separated from service by reason of such discontinuance he shall be paid forthwith all of his accumulated contributions with interest: *And provided also,* That the board may, in its discretion, withhold for not more than one (1) year after a member last rendered service all or part of his accumulated normal contributions if after a previous discontinuance of service he withdrew all or part of his accumulated normal contributions and failed to re-deposit such withdrawn amount in the retirement fund as provided in this section: *Provided further,* That the city shall receive credit for the full amount deposited by the city in the retirement fund for such member's benefit plus interest. Any member may re-deposit in the retirement fund an amount equal to that which he previously withdrew therefrom at the last termination of his membership, such re-deposit to be paid into the retirement fund in accordance with rules established by the board. If a member upon re-entering the retirement system after a termination of his membership shall not make such a re-deposit as hereinabove provided, the rate of his contributions for future years shall be the normal rate provided for in subdivision (a) of section 5 of this act at his age of re-entrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the termination of his membership. In the event such re-deposit is made by a member, an amount equal to the accumulated normal contributions so re-deposited shall again be held for the benefit of said member, and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been

Re-entering
retirement
system,
re-deposit.

granted or liabilities that have been assumed on account of prior service of members, and the city shall reinstate the prior service credit for such member.

SEC. 13. Retirement of member for service shall be made by the Board of Administration as follows: Retirement
of member

(a) Each member now in the city service who, on or before July 1, 1939, has attained or thereafter shall have attained the age of seventy (70) years or over, shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of seventy (70) years: *Provided, however,* That the Board of Administration may from year to year grant to any member an extension of time for retirement, upon request of the head of the department in which the member is employed. Such extension, however, shall not exceed a total period of three (3) years.

(b) Any member in the city service may retire by filing with the board a written application, stating when he desires to be retired, such application to be made at least thirty (30) days prior to date of retirement: *Provided, however,* That said member, at the time specified for his retirement, shall have completed ten (10) years of city service as defined in this act, and shall have attained the age of fifty-seven (57) years, or shall have completed thirty (30) years of city service as defined in this act. Permanent discontinuance of city service after age of fifty-seven shall entitle the member to his retirement allowance: *Provided,* That such employee has had at least ten (10) years of city service to his credit: *And provided further,* That permanent discontinuance of city service after the completion of thirty (30) years of city service shall entitle the member to his retirement allowance.

Retirement allowance.

SEC. 14. (a) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (b) of this section, which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(2) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(3) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third per cent ($1\frac{1}{3}\%$) of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two (62) years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensation, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Percentage.

<i>Retirement Age</i>	<i>Percentage</i>
62	1.333
61	1.242
60	1.158
59	1.081
58	1.010
57	0.945
56	0.885
55	0.829
54	0.778
53	0.731
52	0.687
51	0.646
50	0.608

(b) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city. Maximum allowance.

(c) Any member who enters the retirement system on July 1, 1939, or who enters after that date and who is given the credit for prior service, and who is retired by reason of attaining the age of seventy (70) years, shall receive such additional pension on account of prior service, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars (\$420) per year. Minimum allowance.

(d) Any member who, at the time of his retirement, has at least ten (10) years of creditable service, as defined in this act, and who has attained the age of sixty-five (65) years or over, shall receive such additional pension, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars (\$420) per year.

SEC. 15. Any member while in city service may be retired by the Board of Administration for permanent and total disability, either ordinary or accidental, upon examination, as follows: Permanent and total disability.

(a) Any member who has not attained the age of sixty-five (65) years and who has at least ten (10) years of city service as defined in this act, to his credit: *Provided*, That the required ten (10) years of city service shall have been credited to the mem-

ber over a period of not to exceed fifteen (15) years immediately preceding retirement, within three (3) months after the discontinuance of city service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by a physician or surgeon, appointed by the Board of Administration upon the application of the head of the office or department in which said member is employed, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the board, that the said member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the board shall retire the said member for disability forthwith.

(b) The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of section 17 of this act, and shall pay for such medical services and advice such compensation as the board shall deem reasonable.

Disability
allowance.

§EC. 16. (a) Upon retirement for disability, as herein above provided: *Provided*, The disability is not due to intemperance, wilful misconduct or violation of law, of which the board shall be the judge, a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(2) A pension purchased by the contributions of the city, which, together with his annuity provided by his accumulated normal contributions, shall make

the retirement allowance, exclusive of the annuity provided by his additional contributions equal to (a) one and one-fourth per cent ($1\frac{1}{4}\%$) of his final compensation multiplied by the number of years of service which would be creditable to him were his services to continue until attainment by him of age sixty-two, but such retirement allowance shall not exceed one-fourth of such final compensation except where such one-fourth is less than four hundred twenty dollars (\$420) per year, then the member shall receive the minimum disability retirement allowance of four hundred twenty dollars (\$420) per year.

(b) If disability is due to intemperance, wilful misconduct or violation of law on the part of the member, the Board of Administration in its discretion may pay to said member in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the retirement system.

Payment in lieu of allowance when.

(c) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board.

Death of member.

SEC. 17. (a) The Board of Administration may at its pleasure require any disability beneficiary under age sixty-two (62) years to undergo medical examination to be made by a physician or surgeon appointed by the board, at a place to be designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated

Medical examination.

either mentally or physically for service in the office or department of the city where he was employed or in any other city service for which he is qualified. If the Board of Administration shall determine that said beneficiary is not so incapacitated, his retirement allowance shall be canceled and he shall be reinstated forthwith in the city service.

Disability beneficiary; re-entry into service.

(b) Should a disability beneficiary re-enter the city service and be eligible for membership in the retirement system in accordance with subdivision (a), section 4, of this act, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of re-entry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted and on account of prior service of members. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

Refusal of disability beneficiary to submit to physical examination.

(c) Should any disability beneficiary under age sixty-two (62) years refuse to submit to medical examination, his pension may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two years, engage in a gainful occupation not in city service, or should he re-enter the city service and be ineligible for membership in the retirement system in accordance with subdivision (b) of section 4 of this act, the Board of Administration shall reduce the amount of his re-

Engaging in gainful occupation.

tirement allowance to an amount, which when added to the compensation earned by him in such occupation shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance to an amount which shall not exceed the amount upon which he was originally retired, but which, subject to such limitation shall equal, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When said disability beneficiary reaches the age of sixty-two (62) years, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in section 23 hereof.

(d) Should the retirement allowance of any disability beneficiary be canceled for any cause other than re-entrance into the city service he shall be paid his accumulated contributions, less annuity payments made to him.

Cancellation
of disability
allowance.

SEC. 18. (a) A member may elect to receive, in lieu of the retirement allowance provided for in section 14, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the Board of Administration at least thirty (30) days in advance of retirement as provided in section 13, and shall not be effective unless approved by the board prior to retirement of the member.

Election of
option.

(b) Upon receipt by the board of any application requesting a lesser retirement allowance under option C, option D, or option E set forth below in this section, the applicant shall be examined by a physi-

cian or surgeon appointed by the board, and such application shall not be approved by the board unless such examination shall show that the applicant is then in good health and has a normal expectancy of life: *Provided, however,* That such examination shall not be required if the application is made at least five (5) years before the payment of the lesser retirement allowance is to commence. Revocation of the election of the lesser retirement allowance may be made by the member by written notice to the board at any time prior to retirement.

Options.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided,* That if he die before he receive in annuity payments referred to in paragraph (1), subdivision (a) of section 14, a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to a member throughout his life: *Provided,* That if he die before he receive in annuity payments referred to in paragraph (1), subdivision (a), of section 14, a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the said annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or such person, having an insurable interest in his life, as he shall nominate by written designation duly executed and filed with the board until the total amount of annuity payments shall equal the amount of his accumulated contributions as it was at the date of his retirement.

Option C. The member shall elect a "guaranteed period" of any number of years. If he dies be-

fore the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period", the lesser retirement allowance shall be continued to the end of the "guaranteed period", and during such continuation shall be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of the member.

Option E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member.

SEC. 19. Upon the death of any person who has not been retired, pursuant to the provisions of this act, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him, if any.

Death of active member.

SEC. 20. A pension annuity or a retirement allowance granted under the provisions of this act, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall cover for the current calendar month.

Monthly installment payments.

SEC. 21. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this act, and the moneys in the fund

Pension not subject to execution.

Unassign-
able.

created under this act shall not be subject to execution, garnishment, attachment, or any other process whatsoever and shall be unassignable except as in this act specifically provided.

Estimate
permitted.

SEC. 22. If it shall be impracticable for the Board of Administration to determine from the records the length of service, the compensation, or the age of any member, the said board may estimate for the purpose of this act, such length of service, compensation or age.

Recipient
of other
pension.

SEC. 23. The payment of any retirement allowance to a member who has been retired from service shall be suspended during the time that the beneficiary is in receipt of other pension or of other compensation for state or public service paid from direct or indirect state or municipal taxes or revenues of publicly owned utilities, except as to the amount by which such retirement allowance may exceed such compensation for the same period.

Preliminary
cost.

SEC. 24. The City Council or City Commission shall appropriate annually from the retirement fund the amount it deems necessary for the purpose of paying the expenses of administering the retirement system. The Board of Administration shall annually submit to the City Council or City Commission its estimate of the amount necessary to pay such expenses. The preliminary cost of establishment of said retirement system, such as clerical help and actuarial survey costs, etc., shall be paid by the department or departments affected.

Partial
invalidity.

SEC. 25. If any one or more sections, sub-sections, subdivisions, sentences, clauses or phrases of this act are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act, but the same shall remain in full force and effect.

Conflicting
acts repealed.

SEC. 26. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 27. The retirement system shall become effective on July 1, 1939, as provided in section 3 of this act. Effective date.

SEC. 28. Nothing in this act shall repeal, supersede, alter, amend or be regarded as a substitute for any existing retirement or pension system, duly established by city ordinance. Existing pension systems.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 208.

[H. B. 92.]

PORT TOWNSEND HARBOR RELOCATION.

AN ACT providing for the re-location and re-establishment of the inner and outer harbor lines in front of Tideland District No. 110 of the tidelands of the first class in front of the City of Port Townsend; and making an appropriation for such purpose.

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

SECTION 1. That as soon as practicable after the taking effect of this act it shall be the duty of the Commissioner of Public Lands to re-locate and re-establish the inner and outer harbor lines in front of Tideland District No. 110 of the tidelands of the first class in front of the City of Port Townsend, or such part thereof as is now deemed feasible and advisable in the public interest: *Provided, however,* That such re-location or re-establishment shall not abrogate any existing vested rights. Relocation of inner and outer harbor lines.

SEC. 2. There is hereby appropriated from the general fund for the Commissioner of Public Lands the sum of thirty-five hundred dollars (\$3500), or so much thereof as may be necessary for the fiscal year Vetoed.

Vetoed.

beginning April 1, 1939, and ending March 31, 1940, for the purpose of making necessary surveys, plats and other work incident to carrying out purposes and provisions of this act.

Passed the House February 21, 1939.

Passed the Senate March 5, 1939.

Approved by the Governor March 19, 1939, with the exception of section 2, which is vetoed.

CHAPTER 209.

[H. B. 177.]

HYDRO-ELECTRIC FEES CREDITED TO RECLAMATION REVOLVING FUND.

AN ACT relating to annual fees by claimants of water power; providing that such fees shall be credited to the reclamation revolving fund; prescribing the duties of the Director of the Department of Conservation and Development with respect thereto; and amending section 3 of chapter 105, Laws of 1929, (section 11575-3 of Remington's Revised Statutes of Washington).

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

Amends
§ 11575-3,
Rem. Rev.
Stat.

SECTION 1. That section 3 of chapter 105, Laws of 1929, (section 11575-3 of Remington's Revised Statutes of Washington) be and the same is hereby amended to read as follows:

Fees, use.

Section 3. That all fees paid under provisions of this act, shall be credited by the State Treasurer to the reclamation revolving fund and subject to legislative appropriation, be allocated and expended by the Director of the Department of Conservation and Development for investigations and surveys of natural resources in cooperation with the Federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys; the

State Auditor may anticipate receipts and issue warrants to cover such expenditures in any amount not exceeding twenty-five thousand dollars (\$25,000): *Provided*, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: *And provided further*, That the portion of money allocated by said director to be expended in cooperation with the Federal government shall be contingent upon the Federal government making available equal amounts for such investigations and surveys.

Anticipation
of receipts
and issuance
of warrants.

Passed the House February 16, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 210.

[H. B. 327.]

FISHING RIGHTS OF SOKULK INDIANS.

AN ACT for relief of the Sokulk Indians, providing for their fishing in designated areas.

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

SECTION 1. That the Sokulk Indians, otherwise known as the Priest Rapids band of Indians, may fish in that section of the Columbia River between the Priest Rapids and a point opposite White Bluffs; also at their ancient fishing grounds on the Yakima River at the irrigation diversion dam maintained by the Richland Irrigation District and by the Columbia Irrigation District at a point known as the "Horn", otherwise known as "Wana Wish", about twenty-two (22) miles southeast from White Bluffs, under conditions not otherwise permitted by the laws of this state, so that any such Indian may take salmon or

Rights
granted.

other food fish at any time at such places for the consumption of himself and other members of band: *Provided, however,* That this right shall not extend to others than such Indians.

Passed the House March 2, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 211.

[H. B. 351.]

WASHINGTON FEED, FERTILIZER, AND LIVESTOCK REMEDY ACT.

AN ACT relating to the Department of Agriculture; providing for the regulation and registration of concentrated commercial feeding stuffs, fertilizers, and livestock remedies, and the labeling and advertising thereof, and for other purposes; providing for the licensing and regulation of retail dealers in concentrated commercial feeding stuffs; providing penalties; repealing chapter 37 of the Laws of 1937 (section 7016 to section 7019-22, inclusive, of Remington's Revised Statutes; section 89-21 to 89-45, inclusive, of Pierce's Code).

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

Short title. SECTION 1. This act may be cited as the Washington feed, fertilizer, and livestock remedy act.

Definitions. SEC. 2. The definitions as given in this act shall apply as defined, unless the context clearly indicates otherwise.

"Person." SEC. 3. The term "person" as used in this act shall be deemed to include any individual, partnership, firm, corporation, or association engaged in the manufacture, sale, distribution, or mixing of any concentrated commercial feeding stuff, commercial fertilizer, livestock remedy, fertilizer material, or soil builder, which is exposed, intended, or offered for sale or is distributed in the State of Washington.

SEC. 4. The term "director" shall mean the Director of Agriculture of the State of Washington, or his authorized agents or representatives. "Director."

SEC. 5. The term "domestic animals" shall include horses, cattle, sheep, pigs, mules, dogs, cats, rabbits, pigeons, chickens, turkeys, ducks, geese, and all other species of animals, birds, or fowl which have been brought under control by man and adapted to his use or pleasure. "Domestic animals."

SEC. 6. The term "fertilizer", as used in this act, means and includes "commercial fertilizer", "fertilizer material", and "soil builder" as those terms are hereinafter defined. "Fertilizer."
"Soil builder."

SEC. 7. The term "retail" as used in this act means the selling or offering for sale of any concentrated commercial feeding stuff or fertilizer, directly to the consumer. "Retail."

SEC. 8. The term "label" means any written, printed, or graphic matter upon any can, sack, or any other container of concentrated commercial feeding stuff, fertilizer, or livestock remedy. "Label."

SEC. 9. Exclusive of the definitions provided in this act, the definitions and methods of analysis of concentrated commercial feeding stuff regulated by this act shall be as defined by the Association of American Feed Control Officials, Inc., as of the effective date of this act; the definitions and methods of analysis of fertilizer terms regulated by this act shall be as defined by the American Association of Official Agricultural Chemists as of the effective date of this act; and the definitions of livestock remedies shall be as defined in the United States Pharmacopoeia. Feed stuffs and fertilizer defined.

SEC. 10. For all the purposes of this act, concentrated commercial feeding stuff, fertilizer, and livestock remedies shall be considered as distinct brands when differing either in guaranteed analysis, Distinct brands.

ingredients, trade-mark, name, or any other characteristic method of marking of any nature whatsoever.

Injurious ingredients.

SEC. 11. It shall be unlawful for any person to distribute, sell, display, or offer for sale any concentrated commercial feeding stuff, fertilizer, or livestock remedy which is in itself, or which contains, any ingredients which are deleterious, detrimental, or injurious, or which are deleterious, detrimental, or injurious when used, fed, or applied as directed. It shall be unlawful for any person to distribute, sell, display, or offer for sale any concentrated commercial feeding stuff, fertilizer, or livestock remedy which is known to be of little or no value for the purpose for which it was intended, or to make any false or misleading claims whether explicit or implied.

Destruction of identification device.

SEC. 12. It shall be unlawful to alter, mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker, or other identification device used by the director in carrying out the provisions of this act.

Simulation of label.

SEC. 13. It shall be unlawful to forge, counterfeit, simulate, or falsely represent, or, without proper authority, use any mark, stamp, tag, label, seal, sticker, or other identification device used by the director in carrying out the provisions of this act.

Disposal of unregistered products seized.

SEC. 14. It shall be unlawful for any person, without authority, to remove or dispose of by sale or otherwise any concentrated commercial feeding stuff, fertilizer, or livestock remedy seized under the provisions of section 22 of this act.

Rules and regulations.

SEC. 15. The director is hereby empowered to prescribe and enforce such reasonable rules and regulations and make such definitions relating to concentrated commercial feeding stuff, fertilizer, or livestock remedy as he may deem necessary to carry

into effect the full intent and meaning of this act, and may register or refuse the registration of any concentrated commercial feeding stuff, fertilizer, or livestock remedy which may be sold or offered or exposed for sale or distribution within the State of Washington, and which does not comply with all the provisions of this act, or with the regulations which may be hereafter made by the director concerning concentrated commercial feeding stuff, fertilizer, or livestock remedy, or which contain noxious weed seeds or other materials which may contaminate the soil as they may be defined or determined by the director.

SEC. 16. The chemist of the agricultural experiment station of the State College of Washington and the dean of the College of Pharmacy of the University of Washington shall be the chemists of the Department of Agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work, to analyze any and all substances that the director may send to them, and report to the director, without unnecessary delay, the results of any analysis so made, and when called upon by said director, any such chemist, or any of the additional chemists as hereafter provided, shall assist, as an expert or otherwise, in any prosecutions for the violation of any law pertaining to the Department of Agriculture. Chemists.

SEC. 17. The director may appoint one or more competent graduate chemists to serve as additional chemists of the Department of Agriculture and such chemists may be required to and are empowered to perform any or all of the duties required of the chemists of the Department of Agriculture authorized in section 16 of this act. Such additional chemists shall be entitled to such compensation for their services as may be determined by the director. Any of such Additional chemists.

additional chemists may be assigned to duties under the supervision of either of the chemists authorized in section 16 of this act.

State
College.

SEC. 18. In order to promote better laboratory facilities, materials and equipment, and when consistent with prompt and efficient service, the director may submit concentrated commercial feeding stuff, fertilizers, and livestock remedies, preferably to the authorized chemists at the State College of Washington, and he may submit foods, drugs, dairy products and similar substances, preferably to the authorized chemist at the University of Washington.

University.

Access to
factory for
inspection.

SEC. 19. The director shall have access to any factory or establishment selling, offering, or exposing for sale, or distributing any concentrated commercial feeding stuff, fertilizer, or livestock remedy for the purpose of inspection and obtaining samples.

Unlawful
to prevent
inspection.

SEC. 20. Any person who shall prevent or strive to prevent the director from inspecting and obtaining samples of any concentrated commercial feeding stuff, fertilizer, or livestock remedy as provided in sections 19 and 21 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as defined in section 58 of this act.

Samples for
analysis.

SEC. 21. The director is hereby empowered to procure from any lot, parcel, or package of concentrated commercial feeding stuff, fertilizer, or livestock remedy offered for sale, or found in the State of Washington, in bulk, sack, or package, a sample, quantity thereof not to exceed two (2) pounds, but the said sample shall be taken in the presence of the party or parties in interest, or their representatives, and taken from a parcel or number of packages which shall be not less than ten per cent (10%) of the whole lot inspected, and shall be thoroughly mixed, the same to be divided into two approximately equal parts, each to be sealed,

and one part promptly delivered to the person having said products in his possession, the other to be delivered to a chemist of the Department of Agriculture. Any products covered by the provisions of this act, packed other than in bulk or in sack, shall be sampled for analysis by taking not less than one (1) can, bottle, or other container from each lot or parcel which is to be sampled and submitted to a chemist of the Department of Agriculture for analysis. A label shall be placed on each sample stating the name or brand of the material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking this sample, and said label shall be signed by the director, and by the party or parties in interest, or their representatives present at the taking and sealing of said samples. The chemist who makes the analysis shall return to the director two certified copies of his findings, one copy of which shall be forwarded promptly to the person in interest thereof. Such certified findings shall be admissible in the trial of any case, civil or criminal, or in any hearing involving any provision of this chapter as prima facie evidence of the facts therein set forth.

Label.

Certified proceedings.

SEC. 22. Possession by any person of any brand of concentrated commercial feeding stuff, fertilizer, or livestock remedy which has not been registered with the director, or the sale of which is for any reason prohibited by this act, or being the consignee thereof, shall be prima facie evidence that the same is kept or shipped to the said person in violation of the provisions of this act, and the director is hereby authorized to seize upon and take into his possession such articles of concentrated commercial feeding stuff, fertilizer, and livestock remedy and thereupon apply to the superior court of the county in which the seizure is made for an order directing him to dispose of or sell the same

Possession of unregistered products, seizure.

Court order.

Notice.

and apply the proceeds of the same to the general fund: *Provided, however,* That the director shall first give notice to the person in whose possession such goods are found, or if in the possession of a common carrier, then the consignee of such goods, notifying such person that he has seized such goods, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten (10) days from the service of such notice, and that at the hearing of said application the said person shall show cause, if any he has, why the prayer of the petition should not be granted. Upon the hearing of said petition, affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

Hearing.

Brand must
be registered.

SEC. 23. It shall be unlawful for any person, whether at wholesale or retail, to sell, offer to sell, or distribute any brand of concentrated commercial feeding stuff, fertilizer, or livestock remedy in the State of Washington, unless each such brand shall have been registered with the director on a form prescribed and provided by the director and showing the ingredients and the guaranteed analysis, and a registration fee of six dollars (\$6.00) for each brand shall have been paid to the said director. Each such person shall, on or before the first day of April of each calendar year, pay to the director an annual registration fee of six dollars (\$6.00) for each such brand manufactured or mixed by him, which fee shall be paid by the director into the state treasury to be used exclusively for the maintenance and enforcement of the provisions of this act: *Provided,* That a sum not to exceed fifteen per cent (15%) of the registration fees above speci-

Fee.

fied, collected in any one year, may be used with the approval of the director for the purchase of equipment and materials necessary to facilitate the testing and analysis of concentrated commercial feeding stuff, fertilizer, or livestock remedy.

SEC. 24. No person shall sell, offer to sell, or distribute within this state any concentrated commercial feeding stuff at retail without having first obtained a retail feed license for each establishment or vehicle used by such person in selling concentrated commercial feeding stuff at retail: *Provided, however,* That the above license shall not be required of any vehicle used by a licensed dealer merely in delivering concentrated commercial feeding stuff, nor to any dealer as to his sales of dog foods or livestock remedies. Applications for such licenses shall be made in writing and under oath to the director on such forms as he shall prescribe.

Retail feed
license
required.

SEC. 25. There shall be paid to the director with each application for a retail feed license an annual license fee of two dollars (\$2.00). The money derived therefrom shall be paid by the director into the state treasury to be used exclusively for the maintenance and enforcement of the provisions of this act.

License fee.

SEC. 26. Each retail feed license shall expire on the thirty-first day of March following its date of issuance. Such license shall not be transferable to any person or be applicable to any location or vehicle other than that for which originally issued.

Expiration
of license.

SEC. 27. There is hereby created in the state treasury a special fund to be known as the feed and fertilizer fund in which shall be deposited all moneys hereafter or heretofore collected as fees for feed and fertilizer licenses, and for the registration of concentrated commercial feeding stuff, fertilizer, and livestock remedies.

Feed and
fertilizer
fund.

Registration
cancelled or
refused.

SEC. 28. The director, after notice to the registrant or applicant and after a duly held hearing, may cancel the registration of, or refuse to register the brand or brands of any person who sells or proposes to sell any concentrated commercial feeding stuff, fertilizer, or livestock remedy detrimental or injurious in effect when applied, fed, or used as directed, or which is known to be of little or no value for the purpose for which it is intended, or as to which false or misleading claims are made or implied. The director may, after notice to the applicant or registrant and after a hearing duly held, cancel the registration of the brand or brands of any person who violates any of the provisions of this act.

"Canned dog
meat."

SEC. 29. The term "canned dog food" means any concentrated commercial feeding stuff, whether simple, mixed, or compound, packed in cans or hermetically sealed containers and used for food for dogs and cats.

"Meat."

SEC. 30. The term "meat" shall mean the properly dressed flesh derived from cattle, from swine, from sheep, or from goats, sufficiently mature and in good health at the time of slaughter, but is restricted to that part of the striated muscle which is skeletal or that which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and does not include that found in the lips, in the snout, or in the ears; with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the flesh and which may not have been separated from it in the process of dressing it for sale.

(a) The term "meat" when used in a qualified form, as, for example, "horse meat," "reindeer meat," "crab meat," etc., is then, and then only,

properly applied to the corresponding portions of animals other than cattle, swine, sheep and goats.

SEC. 31. The term "meat by-products" means ^{"Meat by-products."} the clean, sound, and properly dressed edible parts, other than meat, which have been derived from one or more carcasses of cattle, of swine, of sheep, or of goats, sufficiently mature and in good health at the time of slaughter.

SEC. 32. The term "meat by-products" when used in a qualified form, as in the case of the foregoing definition for "meat," and as, for example, "horse meat by-products," "reindeer meat by-products," "crab meat by-products," etc., is then and then only, properly applied to the corresponding portions of animals other than cattle, swine, sheep, and goats.

SEC. 33. The term "concentrated commercial feeding stuff" as used in this act shall be defined to be a substance used, sold, offered or exposed for sale as food for domestic animals, and claimed to have a nutritive value: *Provided, however,* That the expression "concentrated commercial feeding stuff" shall not include hay, either whole, chopped, or ground, where no other materials are added and no part of the whole removed; wheat flours or other flours; unmixed, single grains, whole seeds, or unmixed meals made from unmixed whole grains of wheat, rye, barley, oats, corn, or other cereal, and no part of the whole removed: *Provided, further,* That the director may permit the sale, under such conditions and safeguards as he may prescribe, of beet pulp, fruit by-products, brewers' or distillers' spent grains, pea, oat, or other grain by-products, alfalfa stem meal, alfalfa leaves and blossoms, and hemp seed meal, when sold singly or when mixed with molasses. ^{"Concentrated commercial feeding stuff."}

"Standard sack."

SEC. 34. The term "standard sack" shall mean a sack of concentrated commercial feeding stuff containing one hundred (100) pounds net weight.

Standard weight.

SEC. 35. It shall be unlawful to distribute, sell, offer for sale, or advertise for sale, concentrated commercial feeding stuff in sacks containing more than fifty (50) pounds except the standard one hundred (100) pound sack, unless each sack is labeled in a conspicuous manner on the face of the sack with the true net weight of the contents of the said sack in plain English words and figures at least two (2) inches in height, and any advertisement covering other than standard sacks of concentrated commercial feeding stuff shall state in a conspicuous manner the true net weight of the contents of each such sack.

Shipments, tag or label required.

SEC. 36. Any person who shall sell, offer, or expose for sale in this state any concentrated commercial feeding stuff, shall include in the invoice of every bulk shipment, or shall affix or cause to be affixed to every package or sample of such concentrated commercial feeding stuff, in a conspicuous place on the outside thereof, a tag or label which shall have plainly printed thereon in the English language the number of net pounds of concentrated commercial feeding stuff contained in the package or bulk shipment, except as provided for in section 37 of this act, the name, brand, or trademark under which the concentrated commercial feeding stuff is sold, the name and address of the manufacturer, importer, mixer, distributor, agent, or vendor, the guaranteed analysis stating the minimum percentages of crude fat and crude protein; the maximum percentage of moisture; the maximum percentage of crude ash, which shall not exceed twelve per cent (12%) except in the case of minerals and mineral mixtures; the maximum percentage of crude fiber, which shall not exceed ten

per cent (10%), except as provided in section 35 of this act; and a list of the ingredients from which the concentrated commercial feeding stuff referred to in such list by inclusion of the registered brand name thereof, is compounded. Such tag or label shall be construed as a guarantee by the manufacturer, importer, mixer, distributor, agent, or vendor of the facts therein stated.

SEC. 37. It shall be unlawful to include in any concentrated commercial feeding stuff any dirt, damaged or decayed feed, mill, elevator, or other sweepings or dust, or any injurious, deleterious or worthless or damaged ingredients.

Unlawful to include deleterious ingredients.

SEC. 38. The use of second-hand branded sacks as containers of concentrated commercial feeding stuff while being offered for sale is prohibited: *Provided*, That clean, branded sacks which have been used as such containers may be used again if thoroughly cleaned so that all feed and foreign matter is removed, and if turned inside out or the labels obliterated so that the outer surface is free from all matter deceptive as to the contents of the sack.

Second-hand sacks or containers.

SEC. 39. The term "livestock remedy" as used in this act shall include all condimental feeds, mineral mixtures, medicated stock foods, medicinal stock foods, stock food tonics, stock powders, condition powders, conditioners, animal regulators, proprietary medicines, medicinal lotions, insecticides, body builders or preservers, worm capsules or other worm eradicators, pills, salves, or any other substance sold, exposed, or offered for sale in the State of Washington as preventive, inhibitive, or curative medicine or for their stimulating, invigorating, or other powers for domestic animals, whether administered externally or internally: *Provided*, That all products licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902, or under

"Livestock remedy."

the Federal Virus, Serums, Toxins, Antitoxins, and Analogous Products Act of March 4, 1913, shall be exempt from registration as provided herein.

Application
for
registration.

SEC. 40. Application for registration of a livestock remedy, form of which shall be prescribed and furnished by the director, shall have attached thereto a true copy of the label used upon the package or container, and a list of the ingredients which are contained in, or make up the livestock remedy.

Investigation
of claims as
to efficacy
of product.

SEC. 41. The director shall have ninety (90) days after the receipt of the application for registration of a concentrated commercial feeding stuff, fertilizer, or livestock remedy not previously registered, in which to investigate the claims made by the applicant as to the efficacy of the product and to conduct experiments in order to determine whether the said product is harmful, deleterious, or is of the claimed value for the purpose intended, when used as directed. At the end of ninety (90) days, if the director during such period has not notified the applicant that a hearing will be held or has not registered the product, then the product shall be registered, and a certificate of registration issued by the director: *Provided, however,* That during the ninety (90) day period provided herein, the applicant shall not sell the product in the State of Washington.

"Commercial
fertilizer."

SEC. 42. "Commercial fertilizer" shall mean any substance, including any combination or mixture of substances whose aggregate content of nitrogen, available phosphoric acid, and available potash is sixteen per cent (16%) or more, and which is designed and fit for use as a source of plant food to increase crop yields or plant growth, except unmanipulated animal manures.

"Fertilizer
material."

SEC. 43. "Fertilizer material" shall mean any mineral substance, any organic substance, mixture

of mineral substances, and mixture of mineral and organic substances, except unmanipulated animal manures, hays, straw, and peats, which has an aggregate content of less than sixteen per cent (16%) of nitrogen, available phosphoric acid, available potash, or contains other essential plant nutrients in any amounts, and is designed for use principally as a source of plant food to increase crop yields or plant growth.

SEC. 44. "Soil builder" shall mean any mineral substance, mixture of mineral substances, and mixture of mineral and organic substances, except sand and soil, used principally to add calcium, nitrogen, potassium, phosphorous, magnesium, or sulfur to the soil or as a means of producing physical or chemical changes in the soil for the purpose of improving plant growth.

"Soil builder."

SEC. 45. No lot, parcel, or package of, or receptacle containing commercial fertilizer, fertilizer material, or soil builder shall be sold, offered, or exposed for sale within this state unless the same shall have attached thereto or printed thereon a plainly printed label, stating the name, brand, and trademark, if any there be, under which the product is sold; also the number of net pounds of commercial fertilizer, fertilizer material, or soil builder contained therein, the name and address of the manufacturer, importer, or dealer, the materials from which all of the guaranteed constituents are derived, and the chemical analysis as specified in sections 49, 50, 51, and 52 of this act.

Packages labeled.

SEC. 46. If commercial fertilizer, fertilizer material, or soil builder are sold, offered, or exposed for sale in bulk, a statement shall be delivered to the purchaser of any quantity of such materials, and this statement or label shall contain the information specified in section 47 of this act.

Sales in bulk.

Statements of chemical composition.

SEC. 47. In stating the chemical composition of commercial fertilizer, fertilizer material, and soil builder, only the minimum percentage of each guaranteed constituent shall be stated.

Commercial fertilizer, label to state guaranteed chemical analysis.

SEC. 48. In the case of commercial fertilizer, the label shall state the guaranteed chemical analysis in the following form and order, and shall also state the minimum percentage of any other essential plant nutrients claimed to be contained therein:

- (a) Total nitrogen per cent (whole numbers only)
- Available phosphoric acid per cent (whole numbers only)
- Available potash per cent (whole numbers only)
- Other nutrient elements claimed per cent
- (b) Where bone is used in the commercial fertilizer:
- Total nitrogen per cent (whole numbers only)
- Total phosphoric acid per cent (whole numbers only)
- Available per cent
- From bone per cent
- Total potash per cent (whole numbers only)
- Other nutrient elements claimed per cent

Fertilizer material, label to state guaranteed chemical analysis.

SEC. 49. In the case of fertilizer material, the label shall state the guaranteed chemical analysis in the following form and order, and shall also state the minimum percentage of any other essential plant nutrients claimed to be contained therein:

- Total nitrogen per cent (whole numbers only)
- Total phosphoric acid per cent (whole numbers only)
- Available phosphoric acid per cent (whole numbers only)
- Available potash per cent (whole numbers only)
- Other nutrient elements claimed per cent

Soil builder, label to state guaranteed chemical analysis.

SEC. 50. In case of soil builder, the label shall state the guaranteed chemical analysis in the following form and order:

- (a) For lime products, the following or such of the following as are contained therein:

- Total calcium carbonate per cent (whole numbers only)
- Total calcium hydroxide per cent (whole numbers only)
- Total calcium oxide per cent (whole numbers only)
- Total magnesium as magnesium carbonate per cent (whole numbers only)

Ground limestone shall be of such fineness that one hundred per cent (100%) shall pass through a ten (10) mesh sieve and fifty per cent (50%) through a one hundred (100) mesh sieve.

(b) For gypsum and sulfur products, the following or such of the following as are contained therein:

- Total calcium sulfate per cent (whole numbers only)
- Total sulfur per cent (whole numbers only)

Gypsum and sulfur products shall be of such fineness that one hundred per cent (100%) shall pass through a ten (10) mesh sieve.

(c) For bone, tankage, natural organic phosphates, heat treated mineral phosphates, or any unacidulated phosphatic materials, the following:

- Total phosphoric acid per cent (whole numbers only)

(d) For any other material claimed to be a soil builder, the label shall state in whole numbers only the percentage of any beneficial elements claimed to be contained therein.

SEC. 51. The director shall have the power to require registration of any commercial fertilizer, fertilizer material, and soil builder not specifically mentioned herein. The guaranteed chemical analysis shall be stated in terms of equivalents prescribed by the director.

Director may require registration of other products.

SEC. 52. The director shall not register any material submitted for registration as a commercial fertilizer, fertilizer material, or soil builder, which

Director shall not register products without value.

in his opinion, based on competent authority, is not of sufficient value for such purposes.

“Available phosphoric acid.”

SEC. 53. When the term “available phosphoric acid” is used in the statement of analysis, it shall mean the sum of the water soluble and citrate soluble phosphoric acid, except that when applied to basic slag phosphates, the term “available” shall mean that part of the phosphoric acid found “available” by the Wagner citric acid method as adopted by the Association of Official Agricultural Chemists. In the case of bone, tankage, natural organic phosphates, heat treated mineral phosphates, or other unacidulated phosphatic materials in which the phosphoric acid is not shown by laboratory methods to be available in the soil, the phosphoric acid may be guaranteed on the label as total phosphoric acid.

Leather as fertilizer.

SEC. 54. It shall be unlawful for any person to sell, offer, or expose for sale in this state, for fertilizer purposes, any leather, hair, wool waste, hoof, horn, or similar materials, either as such or mixed with other fertilizer materials, unless they have been processed in such manner as to make their plant food content available in conformity with the standards adopted by the Association of Official Agricultural Chemists.

False and misleading statements.

SEC. 55. It shall be unlawful for any person to make any false or misleading representation in regard to any commercial fertilizer, fertilizer material, or soil builder shipped, sold, offered, or exposed for sale by him in this state, either as principal or agent; or to use any misleading or deceptive trademark or brand name in connection therewith.

Penalty.

SEC. 56. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be for the first offense fined not more than one hundred dollars (\$100), and for the second and each subse-

quent offense not more than five hundred dollars (\$500).

SEC. 57. It shall be the duty of the Prosecuting Attorneys of the several counties of this state to cause proceedings to be commenced against any person whom the director shall report to have violated any section of this act and to prosecute the same in the manner required by law.

Prosecution
of violations
of act.

SEC. 58. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby. If any section, sub-section, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Partial
invalidity.

SEC. 59. All acts or parts of acts in conflict herewith are hereby repealed, and specifically chapter 37 of the Laws of 1937 (section 7016 to section 7019-22, inclusive, of Remington's Revised Statutes; section 89-21 to section 89-45, inclusive, of Pierce's Code): *Provided*, That the enacting of this act shall not have the effect of terminating or in any manner modifying the liability, civil or criminal, which shall already be in existence at the date this act becomes effective.

Repeal.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 212.

[H. B. 406.]

COLUMBIA SLOUGH BRIDGE.

AN ACT providing for an appropriation for the cost of the completion of the construction of a bridge across Columbia Slough from Puget Island in the Columbia River to Cathlamet, Wahkiakum County, Washington; for certain appropriation facilities therefor; defining the power and duty of the Director of Highways; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the motor vehicle fund of the State of Washington the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary to be expended by the Department of Highways of the State of Washington by and through the Director of Highways for completion of the cost of the construction of a bridge across Columbia Slough from Puget Island in the Columbia River to Cathlamet, Wahkiakum County, Washington, such appropriation being for additional and unforeseen expenditures supplemental to that provided in chapter 147, Session Laws of 1935, and the reappropriation provided in chapter 140, Session Laws of 1937: *Provided*, The additional and unforeseen cost for the completion of such bridge shall be the first and prior charge against the appropriation herein provided: *Provided further*, Any balance remaining in the appropriation herein provided may be expended for the construction of necessary bridge approach and approach public highway facilities: *Provided further*, That any such work upon the construction and completion of such bridge, or any bridge approach, or public highway approach facilities, shall be conducted by the Director of Highways from funds appropriated in this act or from any funds therefor provided by the County of Wah-

kiakum, the Federal Government, any agency thereof, or otherwise.

SEC. 2. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its existing institutions, and shall take effect immediately.

Effective immediately.

Passed the House March 2, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 213.

[H. B. 432.]

PORTION OF VEHICLE OPERATORS' LICENSE FEES ALLOCATED TO STATE PARKS FUND.

AN ACT relating to disposition of money received from vehicle operators' licenses and amending section 71, chapter 188, of the Laws of 1937.

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

SECTION 1. That section 71, chapter 188 of the Laws of 1937 be amended to read as follows:

Amends
§ 71, ch. 188,
Laws 1937.

Section 71. The State Treasurer shall pay all funds accruing under the provisions of this chapter into the highway safety fund, except that out of each fee of two dollars (\$2.00) collected by the State Treasurer for a vehicle operator's license the sum of twenty cents (\$.20) shall be paid into the state parks and parkways fund. All expenses incurred in carrying out the provisions of this chapter relating to vehicle operator's license shall be paid from the highway safety fund as by appropriation provided.

Passed the House February 28, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 19, 1939.

CHAPTER 214.

[S. S. B. 219.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation, amending chapter 162 of the Laws of 1937, providing for the transfer of certain funds to the railroad unemployment insurance account in the United States treasury, making an appropriation.

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

Amends
§ 3, ch. 162,
Laws 1937.

SECTION 1. Section 3 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Payment of
benefits.

Section 3. (a) PAYMENT OF BENEFITS. Twenty-four months after the date when contributions first accrue under this act, benefits shall become payable from the fund: *Provided*, That wages earned for services defined in section 19 (g) (6) (viii) of this act, irrespective of when performed, shall not be included for the purpose of determining eligibility under section 4 (e) or the weekly benefit amount under sub-section (b) of this section for the purposes of any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable under sub-section (d) of this section on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the commissioner may prescribe.

Weekly
benefit
amount.

(b) (1) WEEKLY BENEFIT AMOUNT. An individual's "weekly benefit amount" shall be an amount equal to one-twentieth (1/20) of his total wages during that quarter of his base year in which such total wages were highest, except that if such amount is more than fifteen dollars (\$15.00) the weekly benefit amount shall be deemed to be fifteen dollars (\$15.00), or if less than seven dollars (\$7.00),

shall be deemed to be seven dollars (\$7.00), and if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.

(b) (2) WEEKLY BENEFIT FOR UNEMPLOYMENT. Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the remuneration (if any) payable to him with respect to such week which is in excess of three dollars (\$3.00). Such benefit, if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.

Weekly benefit for unemployment.

(c) BENEFITS IN SEASONAL EMPLOYMENT.

Benefits in seasonal employment.

(1) As used in this section, the term "seasonal employer" means an employer or operating unit of an employer which because of the seasonal nature of its operations customarily reduces employment each year during approximately the same period or periods to such an extent that the total pay roll for any continuous period of two calendar months is less than fifty per cent of the total pay roll for the consecutive two calendar months period of greatest employment during the preceding ten months. The commissioner shall determine whether the operations of any employer or operating unit are seasonal, but no such determination shall be had prior to investigation and hearing.

Seasonal employer.

Commissioner to determine.

The commissioner shall specify in his determination the period or periods within which the operations of such employer or operating unit shall be deemed to be seasonal, or in lieu thereof may provide some other appropriate means for identifying the seasonal employment as distinct from the non-seasonal employment of the employers or operating units determined as seasonal.

Any determination once made shall remain in effect during a period of two years from the date when the determination becomes effective, but the

commissioner on his own motion may make a re-determination after investigation and a hearing prior to the expiration of such period.

“Seasonal worker.”

(2) The term “seasonal worker” means an individual who has base year wage credits of which at least eighty per cent have been earned in seasonal employment for one seasonal employer or one group of seasonal employers combined in accordance with sub-section (c) (4) of this section.

Operating unit.

(3) For the purposes of this section, an operating unit is any unit of an employer’s business which can be, and frequently is, conducted as a separate business.

Classification of employers.

(4) The commissioner may classify or join employers or their operating units into groups consisting either of seasonal employment of like yearly experience, or in groups of similar merit ratings, as will most facilitate and simplify accounting practices, and will most effectively contribute to the report to the Governor and Legislature provided for in section 7 (c) (1).

Benefits payable to seasonal workers.

(5) When the commissioner has designated the operations of an employer, an operating unit or a group of employers or operating units as seasonal, then benefits shall be payable to seasonal workers employed thereby only on account of unemployment occurring during the regular period or periods of such seasonal employment, and no benefits shall be paid to seasonal workers for unemployment occurring or existing during the seasonal period or periods of unemployment.

Duration of benefits.

(d) DURATION OF BENEFITS. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed which ever is the lesser of (1) 16 times his weekly benefit amount, and (2) one-third ($\frac{1}{3}$) of the wages earned by him for employment by employers during his base year: *Provided*, That such maximum total

amount of benefits, if not a multiple of fifty cents (50¢), shall be computed to the next higher multiple of fifty cents (50¢). For the purposes of this section wages shall be counted as "wages for employment by employers" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8 (c) or section 19 (f) with respect to becoming an employer.

(e) PART TIME WORKERS. (1) As used in this sub-section the term "part time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full time hours prevailing in the establishment in which he is employed.

Part time workers.

(2) The commissioner shall prescribe fair and reasonable general rules applicable to part time workers for determining their weekly benefit amounts and the total wages for employment by employers required to qualify such workers for benefits. Such rules shall, with respect to such workers, supersede any inconsistent provisions of this act, but, so far as practicable, shall secure results reasonably similar to those provided in the analogous provisions of this act.

Rules applicable to part time workers.

SEC. 2. Section 4 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends § 4, ch. 162, Laws 1937.

Section 4. BENEFIT ELIGIBILITY CONDITIONS. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commissioner finds that:

Benefit eligibility conditions.

(a) He has registered for work at and thereafter has continued to report at an employment

Benefit
eligibility
conditions.

office in accordance with such regulations as the commissioner may prescribe, except that the commissioner may, by regulation, waive or alter either or both of the requirements of this sub-section as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act: *Provided*, That no such regulation shall conflict with section 3 (a) of this act.

(b) He has made a claim for benefits in accordance with the provisions of section 6 (a) of this act;

(c) He is able to work, and is available for work;

(d) He has been unemployed for a waiting period of two weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purpose of this sub-section:

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto.

(3) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits: *Provided*, That the week or the two consecutive weeks immediately preceding the benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this sub-section only) to be within such benefit year as well as within the preceding benefit year.

(e) He has within his base year earned wages of not less than two hundred dollars (\$200.00). For the purpose of this section wages shall be counted

for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8 (c) or section 19 (f) with respect to becoming an employer.

SEC. 3. Section 5 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 5, ch. 162,
Laws 1937.

Section 5. DISQUALIFICATION FOR BENEFITS. An individual shall be disqualified for benefits:

Disqualifica-
tion for
benefits.

(a) For the calendar week in which he has left work voluntarily without good cause, if so found by the commissioner, and for the two weeks which immediately follow such week (in addition to the waiting period).

(b) For the calendar week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for not less than the two nor more than the five weeks which immediately follow such week (in addition to the waiting period), as determined by the commissioner in each case according to the seriousness of the misconduct.

(c) Where an individual has left work voluntarily or has been discharged for misconduct not because of any labor activity or because of membership in any bona fide labor organization connected with his work he shall be disqualified for benefits during the periods herein provided, until he again earns such wages that benefits will not be payable;

(d) If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner, or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner. Such disqualification shall

continue for the calendar week in which such failure occurred and for not less than the one nor more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the commissioner according to the circumstances in each case.

(1) In determining whether or not any such work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(e) For any week with respect to which the commissioner finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this sub-section shall not apply if it is shown to the satisfaction of the commissioner that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: *Provided*, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this sub-section, be deemed to be a separate factory, establishment, or other premises.

SEC. 4. Section 6 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 6, ch. 162,
Laws 1937.

Section 6. CLAIMS FOR BENEFITS. (a) FILING. Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations and such notices, instructions and other material as the commissioner may by regulation prescribe. Such printed material shall be supplied by the commissioner to each employer without cost to him.

Claims for
benefits.

(b) INITIAL DETERMINATION. A representative designated by the commissioner shall take the claim. The Unemployment Compensation Division shall promptly make an initial determination thereon which shall include a determination with respect to whether or not benefits are payable, the week with respect to which benefits shall commence, the

Initial
determina-
tion.

weekly benefit amount payable and the maximum duration of benefits. The claimant, his most recent employer, and any other interested party which the commissioner by regulation prescribes shall be notified promptly of the initial determination and the reasons therefor. Benefits shall be denied, or if the claimant is eligible, promptly paid, in accordance with the initial determination, except as hereinafter otherwise provided. The claimant, his most recent employer, or any such interested party to the determination may file an appeal from such determination with the commissioner within five calendar days after the date of notification or mailing of such decision to his last known address. If, upon such initial determination, benefits are allowed, but the record in the case shows that a disqualification has been alleged or may exist, benefits shall not be paid prior to the expiration of the period for appeal, as hereinbefore provided. If an appeal is duly filed with respect to a matter other than the weekly benefit amount or maximum duration of benefits payable, benefits with respect to the period prior to the final decision of the commissioner shall be paid only after such decision. If subsequent to such initial determination, benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determination.

Appeals.

(c) APPEALS. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision on the claim,

unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to sub-section (e) of this section.

(d) **APPEAL TRIBUNALS.** The commissioner shall establish one or more impartial appeal tribunals each of which shall be presided over by a salaried examiner who shall decide the issues submitted to the tribunal. No examiner shall hear or decide any disputed claim in any case in which he is an interested party.

Appeal
tribunals.

(e) **REVIEW.** The commissioner may on his own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeal. The commissioner may permit such further appeal by the deputy whose decision has been overruled or modified by an appeal tribunal. The commissioner may transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal.

Review.

(f) **PROCEDURE.** The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

Procedure.

(g) **WITNESS FEES.** Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate

Witness
fees.

fixed by the commissioner. Such fees and all expenses of proceedings involving disputed claims excepting charges for services rendered by counsel or other agent representing the claimant, employer or other interested party shall be deemed a part of the expenses of administering this act.

Appeal to
courts.

(h) APPEAL TO COURTS. Any decision of the commissioner or appeal tribunal in the absence of an appeal therefrom as herein provided shall become final thirty days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies as provided in sub-sections (c), (d), and (e) of this section. The commissioner shall be deemed to be a party to any judicial action involving any such decision, and shall be represented in any such judicial action by the Attorney General.

Court
review.

(i) COURT REVIEW. Within thirty days after final decision has been communicated to any interested party, such interested party may appeal to the superior court of the county of his residence, and such appeal shall be heard as a case in equity but upon such appeal only such issues of law may be raised as were properly included in his application before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail or personally on the commissioner, and the filing and service of said notice of appeal within thirty days shall be jurisdictional. The commissioner shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record, and such appeal shall thereupon be

Proceedings.

deemed at issue. No bond shall be required on such appeal or on appeals to the superior or the supreme courts. When a notice of final decision has been placed in the United States mail properly addressed, it shall be considered *prima facie* evidence of communication to the appellant and his attorney, if of record.

The commissioner shall serve upon the appellant and file with the clerk of the court before trial a certified copy of his complete record of the claim which shall upon being so filed become a part of the record in such case. No fee of any kind shall be charged the commissioner for filing his appearance or for any other services performed by the clerk of either the Superior or the Supreme Court.

Certified
copy of
record
served
and filed.

If the court shall determine that the commissioner has acted within his power and has correctly construed the law, the decision of the commissioner shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the Superior Court shall refer the same to the commissioner with an order directing him to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of unemployment benefits set forth in this act.

Judgment.

It shall be unlawful for any attorney engaged in any such appeal to the courts as provided herein to charge or receive any fee therein in excess of a reasonable fee to be fixed by the courts in the case, and if the decision of the commissioner shall be reversed or modified, such fee and the fees of witnesses and the costs shall be payable out of the Unemployment Compensation Administration Fund. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the Superior Court to the Supreme Court as in other civil cases. In all court proceedings under or pursuant to this act the decision of the commissioner

Attorney's
fee.

shall be prima facie correct, and the burden of proof shall be upon the party attacking the same.

Costs.

Whenever any appeal is taken from any decision of the commissioner to any court, all expenses and costs incurred therein by said commissioner including court reporter costs and attorney's fees and all costs taxed against such commissioner shall be paid out of the Unemployment Compensation Administration Fund.

Amends
§ 7, ch. 162,
Laws 1937.

SEC. 5. Section 7 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Section 7. (a) PAYMENT.

Contribu-
tions,
payment.

(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages payable for employment (as defined in section 19 (g)) occurring during such calendar year, such contributions shall become due and be paid by each employer to the treasurer for the fund in accordance with such regulation as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ;

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Rate of con-
tributions.

(b) RATE OF CONTRIBUTION. Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(1) One and eight-tenths (1.8%) per centum with respect to employment during the calendar year 1937;

(2) Two and seven-tenths (2.7%) per centum with respect to employment during the calendar years thereafter.

Future rates
based on
experience.

(c) FUTURE RATES BASED ON EXPERIENCE.

(1) The commissioner shall investigate, study, and report to the Governor and Legislature of this state not later than January, 1941, the operations of this act and the actual experience hereunder with a view to establishing an experience rating system which would equitably rate the unemployment risk and fix the contribution to the fund of each employer subject to this act. The commissioner, in the conduct of this study, shall consider methods for the classification of employers, industries, or occupations with respect to the unemployment hazard in each. In making provision for such classification, the commissioner shall take into account the degree of unemployment hazard in each, and any other measurable factors (such as fluctuation of pay rolls, or pay roll indices, compensable separations from employment, and experience in the payment of benefits) which the commissioner finds bear a reasonable relation to the purposes of this sub-section. The general basis of classification proposed to be used for any period shall be subject to fair notice, opportunity for hearing, and publication.

Report to
Governor
and
Legislature.

Classification.

(d) JOINT ACCOUNTS. The commissioner may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

Joint
accounts.

SEC. 6. Section 8 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 8, ch. 162,
Laws 1937.

Section 8. PERIOD, ELECTION, AND TERMINATION OF EMPLOYER'S COVERAGE. (a) Any employing unit which is or becomes an employer subject to this act within any calendar year shall be subject to this act during the whole of such calendar year.

Employer's
coverage.

(b) Except as otherwise provided in sub-section (c) of this section, an employing unit shall cease to be an employer subject to this act only as of the 1st day of January of any calendar year, if it files with the commissioner prior to the 15th day of January of such year, a written application for termination of coverage, and he finds that there were no twenty different weeks within the preceding calendar year, within which such employing unit employed one or more individuals in employment subject to this act or that within said year total aggregate wages in excess of one hundred dollars did not become payable by such employing unit during any one calendar quarter. For the purpose of this sub-section the two or more employing units mentioned in paragraph (2) or (3) or (4) of section 19 (f) shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this act, which files with the commissioner its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commissioner, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January, it has filed with the commissioner a written notice to that effect.

Election.

(2) Any employing unit for which services that do not constitute employment as defined in this act are performed, may file with the commissioner a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this act for not less than two calendar years. Upon the written approval of such election by the com-

missioner, such services shall be deemed to constitute employment subject to this act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January such employing unit has filed with the commissioner a written notice to that effect.

Termination.

SEC. 7. Section 9 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 9, ch. 162,
Laws 1937.

Section 9. UNEMPLOYMENT COMPENSATION FUND.

Unemploy-
ment com-
pensation
fund.

(a) ESTABLISHMENT AND CONTROL. There is hereby established as a special fund, separate and apart from all public moneys or funds of this state, an unemployment compensation fund, which shall be administered by the commissioner exclusively for the purposes of this act, and to which section 5501 of Remington's Revised Statutes shall not be applicable.

This fund shall consist of (1) all contributions collected under this act, together with any interest thereon collected pursuant to section 14 of this act; (2) all fines and penalties collected pursuant to the provisions of this act; (3) interest earned upon any moneys in the fund; (4) any property or securities acquired through the use of moneys belonging to the fund; and (5) all earnings of such property or securities. All money in the fund shall be mingled and undivided.

(b) ACCOUNTS AND DEPOSIT. The commissioner shall designate a treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the commissioner and shall issue his warrants upon it in accordance with such regulations as the commissioner shall prescribe. He shall maintain within the fund three separate accounts: (1) A clearing account, (2) an unemploy-

Treasurer
and custo-
dian of fund.

Clearing
account.

Unemploy-
ment trust
fund
account.

Benefit
account.

Bond of
treasurer.

Withdrawals.

ment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 14 of this act may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the State Administrative Board and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) WITHDRAWALS. Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commissioner. The commissioner shall from time to time requisition from the unemployment trust fund

such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and section 5501 of Remington's Revised Statutes shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the counter-signature of the commissioner or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commissioner, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in sub-section (b) of this section.

Warrants.

(d) MANAGEMENT OF FUNDS UPON DISCONTINUANCE OF UNEMPLOYMENT TRUST FUND. The provisions of sub-sections (a), (b), and (c) to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited therein

Discontinuance of unemployment trust fund.

for this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this state shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties, or securities in a manner approved by the commissioner, in accordance with the provisions of this act: *Provided*, That such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest bearing obligations of the United States of America: *And provided further*, That such investment shall at all times be made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the commissioner.

Investment
of moneys.

Railroad un-
employment
insurance
account.

(e) Notwithstanding any requirements of the foregoing sub-sections of this section, the commissioner shall, prior to July 1, 1939, authorize and direct the Secretary of the Treasury of the United States to transfer from this state's account in the unemployment trust fund established and maintained pursuant to section 904 of the Social Security Act as amended, to the railroad unemployment insurance account, established and maintained pursuant to section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to January 1, 1940, authorize and direct the Secretary of the Treasury of the United States to transfer from

this state's account in said unemployment trust fund to said railroad unemployment insurance account, an additional amount hereinafter referred to as the liquidating amount. The commissioner shall determine both such amounts after consultation with the Railroad Retirement Board and the Social Security Board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June 30, 1939, as the total amount of contributions collected from "employers" (as the term employer is defined in section 1 (a) of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this act and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of contributions collected from "employers" (as the term employer is defined in section 1 (a) of the Railroad Unemployment Insurance Act) pursuant to the provisions of this act during the period July 1, 1939, to December 31, 1939, inclusive.

SEC. 8. Section 10 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 10, ch. 162,
Laws 1937.

Section 10. ORGANIZATION. There are hereby created in the Office of Unemployment Compensation and Placement two coordinate divisions to be known as (a) the Unemployment Compensation Division, which shall be administered by a full time salaried supervisor, and (b) the Washington State Employment Service Division; each of which shall be under a supervisor who shall be an assistant to the commissioner and shall be appointed by him. Each division shall be responsible to the commissioner for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except in so far as the commissioner may find that such

Organization
of two
coordinate
divisions.

Supervisor.

separation is impracticable. The commissioner is authorized to appoint, fix the compensation of, and prescribe the duties of the staff of the Washington State Unemployment Compensation Division: *Provided*, That such appointment shall be made on a non-partisan merit basis, and to appoint, fix the compensation of and prescribe the duties of the staff of the Washington State Employment Service Division in accordance with the provisions of section 12 of this act. In selecting the personnel for the subdivision of the blind in the employment service division, blind persons who are otherwise qualified and available shall be employed wherever practicable.

SEC. 9. Section 11 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Section 11. (a) DUTIES AND POWERS OF COMMISSIONER. It shall be the duty of the commissioner to administer this act; and he shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and to take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this act, which the commissioner shall prescribe. The commissioner, in accordance with the provisions of this act, shall determine the organization and methods of procedure of the divisions referred to in section 10 of this act, and shall have an official seal which shall be judicially noticed. Not later than the 1st day of February of each year he shall submit to the Governor a report covering the administration and operation of this act during the preceding calendar year and shall make such recommendations for amendments to this act as he deems proper. Such report shall include a balance sheet

Amends
§ 11, ch. 162,
Laws 1937.

Duties and
powers of
commis-
sioner.

Rules and
regulations.

Annual
report to
Governor.

of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto.

(b) **RECIPROCAL STATE ARRANGEMENTS.** The commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states or the Federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in section 19 (g) of this act, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states, and whereby potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under such a law of the Federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which he finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund. The commissioner is also authorized to enter into arrangements with the appropriate agencies of other states or the Federal government (1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the Federal

Reciprocal
state ar-
rangements.

government, shall be deemed to be wages for employment by employers for the purposes of section 3 and section 4 (e) of this act, if such other state agency or agency of the Federal government has agreed to reimburse the fund for such portion of benefits paid under this act upon the basis of such wages or services as the commissioner finds will be fair and reasonable as to all affected interests, and (2) whereby the commissioner will reimburse other state or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits paid under the law of any such other states or of the Federal government upon the basis of employment or wages for employment by employers as the commissioner finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purposes of section 3 (d) and 9 of this act. The commissioner is hereby authorized to make to other state or Federal agencies and receive from such other state or Federal agencies reimbursements from or to the fund, in accordance with arrangements pursuant to this section.

Regulations
and general
and special
rules.

(c) REGULATIONS AND GENERAL AND SPECIAL RULES. General and special rules may be adopted, amended, or rescinded by the commissioner only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this state. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the commissioner and shall become effective in the manner and at the time prescribed by him.

(d) PUBLICATION. The commissioner shall cause to be printed for distribution to the public the text of this act, the regulations and general rules, his annual reports to the Governor, and any other material which he deems relevant and suitable and shall furnish the same to any person upon application therefor. Publication.

(e) PERSONNEL. Subject to other provisions of this act, the commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary to carry out this act. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this act, including the right to decide matters placed in his discretion under this act, and may in his discretion bond any person handling moneys or signing checks hereunder. Personnel.

The commissioner shall classify positions and shall establish salary schedules and minimum personnel standards for the position so classified. The commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. Salary schedules.

(f) EMPLOYMENT STABILIZATION. The commissioner shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, re-training and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the re-employment of unemployed workers throughout the state in every other way that may be feasible; and to these Employment stabilization.

ends to carry and publish the results of investigations and research studies.

Records and reports.

(g) RECORDS AND REPORTS. Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this act. Each employer shall make periodic reports at such intervals as the commissioner may, by regulation, prescribe setting forth the remuneration payable for employment to workers in its employ, the names of all such workers and such other information as the commissioner may, by regulation, prescribe. Information thus obtained or obtained from any individual pursuant to the administration of this act shall not be published or be open to public inspection (other than to public employes in the performance of their public duties) in any manner revealing an individual's or employing unit's identity, but any claimant at a hearing before an appeal tribunal or the commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the Office of Unemployment Compensation and Placement who violates any provision of this section shall be fined not less than \$20.00 nor more than \$200.00, or imprisoned for not longer than ninety days, or both.

Oaths and witnesses.

(h) OATHS AND WITNESSES. In the discharge of the duties imposed by this act, the chairman of an appeal tribunal and any duly authorized representative of the commissioner shall have power to administer oaths and affirmations, take depositions,

certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this act.

(i) **SUBPOENAS.** In case of contumacy by, or refusal to obey subpoenas issued to any person, any court of the state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by any duly authorized representative of the commissioner or the chairman of an appeal tribunal, shall have jurisdiction to issue to such person an order requiring such person to appear before such chairman, or representative there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commissioner or his authorized representative shall be punished by a fine of not less than \$200.00 or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(j) **PROTECTION AGAINST SELF INCRIMINATION.** No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before any duly authorized representative of the commissioner or any appeal tribunal in obedience to the subpoena

Protection
against self
incrimina-
tion.

of such representative of the commissioner or the chairman of such appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

State-
Federal
cooperation.

(k) STATE-FEDERAL COOPERATION. In the administration of this act, the commissioner shall cooperate to the fullest extent consistent with the provisions of this act, with the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this state under title III of the Social Security Act for the purpose of assisting in the administration of this act.

Upon request therefor the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

The commissioner may make the state's records

relating to the administration of this act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes. The commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

SEC. 10. Section 12 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 12, ch. 162,
Laws 1937.

Section 12. (a) The Washington State Employment Service Division is hereby set up in the Office of Unemployment Compensation and Placement as a division thereof. The commissioner through such division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The commissioner shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The Office of Unemployment Compensation and

Washington
State
Employment
Service
Division.

Placement is hereby designated and constituted the agency of this state for the purpose of said act. The commissioner shall appoint the officers and employees of the Washington State Employment Service Division. Such appointments shall be made in accordance with regulations prescribed by the director of the United States Employment Service. The commissioner may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance, and use of free employment service facilities. There shall be maintained in the Division of Employment Service a subdivision of the blind concerned exclusively with the placement of blind persons. No persons shall be eligible for assistance under chapter 132 of the Laws of 1937 of the State of Washington unless and until he shall have registered for employment with this division.

Financing.

(b) FINANCING. All moneys received by this state under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the State Treasury, and said moneys are hereby made available to the commissioner for the Washington State Employment Service Division to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of any unemployment compensation law, with any political subdivision of this state or with any private non-profit organization, and as a part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

Amends
§ 13, ch. 162,
Laws 1937.

SEC. 11. Section 13 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Section 13. (a) REVOLVING FUND. There is hereby created a revolving fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund are hereby made available to the commissioner. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this act, and for no other purpose whatsoever. The fund shall consist of all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board, or from any other source, for such purpose. Moneys received from the Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into this fund or the Employment Service account as the commissioner shall prescribe. All moneys in this fund shall be deposited, administered, and disbursed by the treasurer of the unemployment compensation fund under rules and regulations of the commissioner and none of the provisions of section 5501 of Remington's Revised Statutes shall be applicable to this revolving fund. The treasurer last named shall be the treasurer of the Unemployment Compensation Administration Fund and shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with that fund in an amount to be fixed by the State Administrative Board and in a form prescribed by law or approved by the Attorney General. The premiums for such bond and the premiums for the bond given by the treasurer of the Unemployment Compensation Fund under section 9 of this act, shall be paid from the moneys in the Unemployment Compensation Administration Fund.

(b) EMPLOYMENT SERVICE ACCOUNT. A special "employment service account" shall be maintained in the State Treasury for the purpose of maintaining

Revolving
fund.

Employment
service
account.

Appropriation.

the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account from the general fund the sum of one hundred thousand dollars (\$100,000). In addition there shall be paid into such account the moneys designated in section 12 (b) of this act. There is hereby appropriated out of the employment service account and made available to the commissioner the sum of two hundred thousand dollars (\$200,000) or so much thereof as shall be necessary for the purposes heretofore mentioned in this subsection.

Amends § 12, ch. 162, Laws 1937.

SEC. 12. Section 14 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Interest on past due contribution.

Section 14. (a) INTEREST ON PAST DUE CONTRIBUTIONS. If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, the whole or part thereof remaining unpaid shall bear interest at the rate of 1 per centum (1%) per month from and after such date until payment plus accrued interest is received by him. In computing interest for any period less than a full month, the rate shall be 1/30 of one per centum for each day or fraction thereof. The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the commissioner may prescribe. Interest collected pursuant to this subsection shall be paid into the unemployment compensation fund.

Collection of contributions or interest.

(b) COLLECTION. If after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the State of Washington, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under

this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the industrial insurance laws of this state.

(c) **PRIORITIES UNDER LEGAL DISSOLUTIONS OR DISTRIBUTIONS.** In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, probate, legal dissolution, or similar proceeding, or in case of any assignment for the benefit of creditors, composition, or similar proceeding, contributions then or thereafter due shall be a lien upon all the assets of such employer. Said lien will be prior to all other liens or claims except taxes and claims for remuneration for services of not more than \$250 to each claimant, earned within six months of the commencement of the proceeding. The mere existence of a condition of insolvency or the institution of any judicial proceeding for legal dissolution or of any proceeding for distribution of assets shall cause such a lien to attach without action on behalf of the commissioner or the state. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as provided in section 64 (a) of that act, as amended.

Priorities
under legal
dissolutions
or distribu-
tions.

(d) **REFUNDS.** If not later than three years after the date which any contributions or interest thereon become due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made and

Refunds.

the commissioner shall determine that such contributions or interest or any portion thereof was erroneously collected, he shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commissioner shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commissioner's own initiative.

Amends
§ 15, ch. 162,
Laws 1937.

SEC. 13. Section 15 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Waiver of
rights void.

Section 15. (a) **WAIVER OF RIGHTS VOID.** Any agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this act shall be void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from remuneration for services to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of any employer who violates any provision of this sub-section shall, for each offense, be fined not less than \$100.00 nor more than \$1,000.00 or be imprisoned for not more than six months, or both.

Limitation
of fees.

(b) **LIMITATION OF FEES.** No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the commissioner or his representatives, by an appeal tribunal or by any court or any officer thereof: *Provided, however,* The individual shall pay such fees as are legal in Superior and Supreme Court. Any individual claiming benefits in any proceeding before the commissioner, an appeal tribunal or a court may be rep-

resented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive a fee for such services, but a legally licensed attorney shall be paid such reasonable fee for his services in the Superior Court as the judge orders. Any person who violates any provision of this subsection shall, for each offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

(c) **NO ASSIGNMENT OF BENEFITS; EXEMPTIONS.** Any assignment pledge, or encumbrance of any right to benefits which are or may become due or payable under this act shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this sub-section shall be void.

No assign-
ment of
benefits;
exemptions.

SEC. 14. Section 16 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 16, ch. 162,
Laws 1937.

Section 16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, either for himself or for any other person, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment for not longer than thirty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Penalties.

Penalties.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject thereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure or refusal shall constitute a separate offense.

(c) Any person who shall wilfully violate any provision of this act or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) Any person who, by reason of the non-disclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such non-disclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commissioner either be liable to have such sum deducted from any

future benefits payable to him under this act or shall be liable to repay to the commissioner for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collected in the manner provided in section 14 (b) of this act for the collection of past due contributions.

SEC. 15. Section 18 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 18, ch. 162,
Laws 1937.

Section 18. Benefits shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that moneys are available therefor to the credit of the unemployment compensation fund, and neither the state nor the commissioner shall be liable for any amount in excess of such sums.

Non-liability
of state and
commis-
sioner.

SEC. 16. Section 19 of chapter 162 of the Laws of 1937 is hereby amended to read as follows:

Amends
§ 19, ch. 162,
Laws 1937.

Section 19. As used in this act, unless the context clearly requires otherwise:

(a) "Annual payroll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year.

(b) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

Vetoed.

(c) "Commissioner" means the administrative head of the State Office of Unemployment Compensation and Placement referred to in section 10 of this act.

(d) "Contributions" means the money payments to the state unemployment compensation fund required by this act.

(e) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or for-

"Employing
unit."

eign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act.

Contract or
sub-con-
tracts.

Whenever any employing unit contracts with or has under it any contractor or sub-contractor for any work which is part of its usual trade, occupation, profession or business unless the employing unit as well as each such contractor or sub-contractor is an employer by reason of section 19 (f) or section 8 (c) of this act, the employing unit shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which such individual is engaged in performing such work; except that each such contractor or sub-contractor who is an employer by reason of section 19 (f) or section 8 (c) of this act shall alone be liable for the employer's contributions measured by wages payable to individuals in his employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer by reason of section 19 (f) or section 8 (c) of this act, may recover the same from such contractor or sub-contractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee: *Provided*, The em-

ploying unit had actual or constructive knowledge of the work.

(f) "Employer" means:

(1) Any employing unit which in each of twenty different weeks within either the current or the preceding calendar year (whether or not such weeks are or were consecutive) has or had in employment one or more individuals (not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week) and for whose employment by such employing unit during such year total wages of not less than one hundred dollars became payable during one calendar quarter;

(2) Any individual, partnership, corporation, or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(3) Any individual, partnership, corporation, or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit if the employment record of such individual, partnership, corporation, or employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit and an employer subject to this act under paragraph (1) of this sub-section;

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this sub-section;

Vetoed.

Vetoed.

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3), or (4), has not, under section 8, ceased to be an employer subject to this act; or

(6) For the effective period of its election pursuant to section 8 (c) any other employing unit which has elected to become fully subject to this act.

"Employment."

(g) (1) "Employment," subject to the other provisions in this sub-section, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this state if: (i) The service is localized in this state; or (ii) the service is not localized in any state but some of the service is performed in this state and (a) the base of operations, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or (b) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

Services performed without state.

(3) Services not covered under paragraph (2) of this sub-section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the commissioner approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(4) Service shall be deemed to be localized within a state if:

(i) The service is performed entirely within such state; or Within state.

(ii) The service is performed both within and without such state, but the service performed without the state is incidental to the individual's service within such state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for remuneration shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commissioner that:

(i) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(ii) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(iii) Such individual is customarily engaged in an independently established trade, occupation, profession or business, of the same nature as that involved in the contract of service.

(6) The term "employment" shall not include:

(i) Agricultural labor; (services customarily performed by a farm hand on a farm for the owner or tenant of a farm).

(ii) Domestic service in a private home;

(iii) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(iv) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(v) Service performed in the employ of a corporation, community chest, fund, or foundation, or-

"Employment" shall not include.

ganized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(vi) Service performed in the employ of this state, or of any political subdivisions thereof, or of any instrumentality of this state or its political subdivisions;

(vii) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of any instrumentality of any other state or states or their political subdivisions or the United States; except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, then, to the extent permitted by Congress, and from and after the date when such permission becomes effective, all the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner to the same extent and on the same terms as to all other employers, employing units, individuals and services: *Provided*, That if this state should not be certified by the Social Security Board under section 903 of the Social Security Act for any year, then the payment required of such instrumentalities with respect to such year shall be deemed to be erroneously collected within the meaning of section 14 (d) of this act and shall be refunded by the commissioner from the fund in accordance with such provisions of section 14 (d) of this act.

(viii) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress: *Provided*, That the commissioner is

hereby authorized to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in section 11 (b) of this act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this act;

(ix) Service performed by an insurance agent or solicitor to the extent he is compensated by commission;

(x) Service as a newsboy selling or distributing newspapers on the street or from house to house.

(h) "Employment office" means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state controlled system of public employment offices.

"Employment office."

(i) "Fund" means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

"Fund."

(j) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

"State."

(k) "Unemployment." An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work if the remuneration payable to him with respect to such week, is less than his weekly benefit amount. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment and partial unemployment of individuals attached

"Unemployment."

to their regular jobs, and other forms of short-time work, as the commissioner deems necessary.

"Unemployment Compensation Administration Fund."

(l) "Unemployment Compensation Administration Fund" means the Unemployment Compensation Administration Fund established by this act, from which administrative expenses under this act shall be paid.

"Wages."

(m) "Wages" means the first three thousand dollars of remuneration payable by one employer to an individual worker for employment during any calendar year. "Remuneration" means all compensation payable for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash. The reasonable cash value of compensation payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the director; but until Congress shall amend title IX of the Federal Social Security Act approved August 14, 1935, to similarly limit the amount of taxable wages to three thousand dollars the term "wages" for the purposes of this act shall be deemed to mean all remuneration payable by employers for employment.

"Week."

(n) "Week" means any period of seven consecutive calendar days ending at midnight as the commissioner may by regulation prescribe. The commissioner may by regulation prescribe that a week shall be "in," "within," or "during" that benefit year which includes the greater part of such week.

"Benefit year."

(o) "Benefit Year," with respect to any individual means the fifty-two consecutive week period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits, and thereafter, the fifty-two consecutive week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of

his last preceding benefit year. Any claim for benefits made in accordance with section 6 (a) of this act shall be deemed to be a valid claim for the purposes of this sub-section, if the individual has earned wages for employment by employers as provided in section 4 (e) of this act.

(p) "Base Year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year. "Base year."

(q) "Calendar Quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the commissioner may by regulation prescribe. "Calendar quarter."

SEC. 17. (a) As used in this section, unless the context clearly requires otherwise:

(1) "Old law" means the "Unemployment Compensation Act" prior to its amendment by this act. "Old law."

(2) "New law" means the "Unemployment Compensation Act" as amended by this act. "New law."

(3) "Effective date" means the date upon which the new law becomes effective. "Effective date."

(b) Except as otherwise specifically provided in sub-section (c) of this section, the new law shall be exclusively applicable with respect to any individual on and after the effective date. No provision of the old law shall be construed to limit or to extend the rights of any individual as fixed by the new law, after the new law becomes exclusively applicable with respect to such individual as provided in this section.

(c) (1) With respect to any individual for whom there is current a benefit year, established pursuant to the old law, which has not expired prior to the effective date, sections 19 (p), 19 (q), 3 (f) and 4(e) of the old law, and the weekly benefit

amount determined pursuant to section 19 (o), 3 (b), 3 (c) and 3 (e) of the old law, shall be exclusively applicable until the expiration of such current benefit year, except that:

Base period.

(a) Notwithstanding any provision in section 19 (q), 3 (f), and 3 (e) of the old law to the contrary, the base period of such individual and the period usable in the determination or re-determination of his full-time weekly wage, shall in no event extend after the last day of the next to the last completed calendar quarter immediately preceding the effective date, and

(b) Notwithstanding any provision in section 4 (d) of the old law or the new law to the contrary, no waiting period shall be required of any such individual after the effective date and before the expiration of such current benefit year, and

(c) Notwithstanding any provision of the old law to the contrary, the weekly benefit amount and the maximum total benefits payable during such current benefit year shall, if not a multiple of fifty cents, be computed to the next higher multiple of fifty cents, with respect to all weeks of unemployment occurring after the effective date.

(2) Section 19 (o), 19 (p), 3 (b), (1), 3 (c) and 4 (e) of the new law shall be exclusively applicable with respect to such individual after the expiration of such benefit year.

Pending legal actions.

SEC. 18. All legal actions pending and all judgments outstanding in the name of the director of social security or the commissioner upon the effective date of this act shall not be affected by anything contained herein, and may continue in the name of any successor as chief administrative officer under the unemployment compensation act.

County not to charge fees.

SEC. 19. Neither the commissioner nor the state shall be charged any fee for any service rendered in connection with litigation under the unemployment

compensation act by the clerk of any court, or by any sheriff or constable.

Passed the Senate March 8, 1939.

Passed the House March 7, 1939.

Approved March 20, 1939, with the exception of section 16, of which section sub-divisions (e), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q) are approved, and the remainder of said section is vetoed.

CHAPTER 215.

[S. B. 350.]

NAVAL AND MARINE CORPS RESERVE ARMORY.

AN ACT making an appropriation for the construction of a naval and marine corps reserve armory at Seattle, Washington.

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

SECTION 1. There is hereby appropriated the sum of one hundred forty-six thousand two hundred fifty dollars (\$146,250), or so much thereof as may be necessary, from the general fund of the State of Washington for the construction of a naval and marine corps reserve armory at Seattle, Washington, to be expended independently of or in conjunction with funds allocated by the Federal, county or state governments or agencies or in conjunction with funds allocated for work projects: *Provided*, That the above appropriation shall become available only upon written approval of the Governor.

Appropriation.

Passed the Senate March 7, 1939.

Passed the House March 7, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 216.

[S. B. 427.]

PUBLIC ASSISTANCE.

AN ACT relating to the care, support and relief of needy persons; defining terms; providing necessary means and procedure for the furnishing of public assistance to such persons; defining need and resources to govern the determination of eligibility of persons to assistance under this act, and fixing the responsibility of certain relatives with respect to support of needy persons; creating and/or defining the powers and duties of certain state and county officers in connection with the administration of public assistance; providing for appeals in certain cases; imposing penalties for violations of the act; providing for the levy of taxes; making appropriations; creating the Washington Welfare Survey Commission, defining its powers and duties and providing for its expenses; repealing chapter 180, Laws of 1937 excepting section 11, and all acts or parts of acts in conflict herewith, and declaring an emergency whereby the act shall become effective April 1, 1939.

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

- Definitions. SECTION 1. For the purposes of this act, unless otherwise clearly indicated by the context:
- "Assistance." The word "assistance" shall mean public aid to persons in need thereof for any cause, and shall include services, direct relief, work relief, medical and institutional care.
- "Budgetary basis." The term "budgetary basis" shall mean a basis taking into consideration an applicant's need and resources, and shall be measured in relation to a basic minimum family budget determined by the department.
- "Committee." The word "committee" shall mean the Social Security Committee created by this act.
- "Department." The word "department" shall mean the Department of Social Security.
- "Director." The word "director" shall mean the Director of the Department of Social Security.
- "Direct relief." The term "direct relief" shall mean payment by cash or voucher to provide the necessities of life to

a person and his dependents, and shall include materials furnished or services rendered for such purpose to such person and dependents in his own home.

The term "Federal-aid assistance" shall mean the specific categories of assistance for which provision is made in the Federal Social Security Act of August 14, 1935, including old-age assistance, aid to dependent children, services to crippled children, child welfare services, other handicapped persons, aid to the needy blind and any other category for which the Federal government provides or for which it may hereafter provide matching funds.

"Federal-aid assistance."

The term "general assistance" shall mean all assistance other than Federal-aid assistance as herein defined: *Provided*, That if Federal matching funds are hereafter made available by act of Congress for any category of general assistance, then and in that event that particular category shall for the purpose of securing the benefit of such matching be considered as Federal-aid assistance.

"General assistance."

The term "grant-in-aid" shall mean an allocation of public funds by the state to counties for public assistance purposes.

"Grant-in-aid."

The term "institutional care" shall mean care provided by counties through hospitals, sanatoria and homes or farms.

"Institutional care."

The term "public assistance" shall mean and include Federal-aid assistance and general assistance.

"Public assistance."

The term "work relief" shall mean wages paid by a body politic or corporate to persons who are unemployed, or whose employment is inadequate to provide the necessities of life to themselves and dependents, out of money specifically appropriated or contributed for that purpose, for the performance of services or labor connected with work undertaken by such body independent of work under contract or for which an annual appropriation is made: *Provided*, That the expenditure of moneys made available for

"Work relief."

assistance purposes under this act in connection with work relief programs shall be limited to the payment of wages exclusively.

In the construction of words and phrases used in this act, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

State social
security
committee
created.

SEC. 2. There is hereby created a State Social Security Committee to consist of the Governor, the Director of Finance, Budget and Business and a third member to be appointed by the Governor, who shall not be a state officer or employee. The members of the committee shall serve without compensation for their services, but the appointive member shall be entitled to expenses actually incurred in the discharge of his duties which expenses shall be paid out of moneys appropriated to the Department of Social Security. The committee shall have control of the administration of this act and exercise such powers and perform such duties as are prescribed herein.

Personnel
selected
under merit
system.

SEC. 3. The personnel required to carry out the provisions of this act shall be selected under a merit system administered by the Social Security Committee under rules and regulations promulgated by it for that purpose. Such merit system shall be administered on such basis as will serve to comply with the minimum requirements of the Federal government in regard to personnel selection. The committee shall have power to employ sufficient clerical or other assistants to enable it to administer the merit system and to pay such assistants out of moneys appropriated to the Department of Social Security.

County
adminis-
trators.

SEC. 4. The County Commissioners of each county in the state shall appoint a County Administrator who shall have full charge of the administration of all public assistance within the county. Such

appointment shall be made from an eligible list submitted to the County Commissioners by the committee. Upon the appointment of the County Administrator, that officer shall have power to, and shall, employ such assistants, experts and other personnel within the county as may be necessary to carry out the provisions of this act which employment shall be on a merit basis in accordance with the rules and regulations of the committee: *Provided*, That this requirement shall not apply to the filling of non-executive positions. The County Administrator before qualifying shall furnish a surety company bond in such amount as may be fixed by the committee, but not less than \$5,000, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control.

SEC. 5. The care, support and relief of needy persons is hereby declared to be a joint Federal, state and county function. The several counties of the state are hereby charged with the responsibility, by and through their respective Boards of County Commissioners, for the administration of public assistance to such persons; but they shall be subject to state supervision as in this act provided.

Relief of needy declared joint Federal, State and county function.

The state hereby undertakes to make available to the counties from state and Federal funds sufficient moneys to enable the counties to discharge their responsibility with respect to Federal-aid assistance; while the respective counties shall provide funds by means of the county tax, hereinafter required to be levied, to discharge their responsibility for general assistance.

SEC. 6. The Department of Social Security shall serve as the single state agency to supervise the administration of public assistance. The department shall periodically make application for Federal funds and submit such plans, reports and data, as are required by any act of Congress as a condition prece-

State agency duties and powers.

dent to the receipt of Federal matching funds for such assistance. The department, also, shall have power to make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of public assistance grants. In the event of non-compliance with any such rules and regulations, the department shall have the power and it shall be its duty to take over the administration of public assistance programs in any county involved until compliance shall have been effected, during which time the department shall have power to authorize and approve the expenditure of all public assistance funds within the county.

State agency
may take
over county
adminis-
tration.

County plan.

SEC. 7. To the end that the department's supervision over county administration of public assistance funds may be made effective, it shall be the duty of the Board of County Commissioners of each county in the state to submit to the department, and through the department to the committee, not later than April 1, 1939, a county plan which shall include:

Agreement.

1. An agreement to submit an annual estimate at such time as may be fixed by the committee showing the county's requirements and resources for the ensuing year with respect to all public assistance and plans for the expenditure thereof.

2. An agreement to submit quarterly budgets at least thirty days in advance of each quarterly period showing the requirements and resources of the county with respect to public assistance, together with supporting records and data, based upon past expenditures for such purposes and anticipated demands for further funds.

3. An agreement to comply with the terms of this act respecting the issuance of warrants through the office of the State Auditor.

4. An agreement to keep such records, make such reports and use such blanks and forms as may be prescribed by the committee. Said records, re-

ports, blanks and forms shall not exceed in scope and extent the minimum requirements of the Federal government in respect thereof.

5. An agreement to provide a full and fair hearing to each applicant as provided in this act.

6. An agreement to make available for assistance purposes a sum equal to a three-mill tax levy upon the assessed valuation of its taxable property, together with such miscellaneous revenues as may accrue to the county through the operation of public assistance programs, and to apply such moneys in accordance with uniform standards prescribed by the department and submit quarterly reports of all expenditures for such assistance purposes within the county.

7. A statement of plans for the conduct of investigations of need and the determination of eligibility for the granting of public assistance.

SEC. 8. The County Administrator of each county in the state shall quarterly at least thirty days before the beginning of the new quarter, submit to the director a request for Federal-aid assistance which request shall be accompanied by a budget of estimated necessary expenditures for such assistance purposes within the county for such quarter. Such budget shall state the amount estimated to be needed within the county during such quarter for each category of such assistance and shall show actual expenditures made for such purposes within the county during the elapsed portion of the preceding quarter. The director shall carefully review each budget so submitted and may either approve or revise the same, whereupon each budget together with the approval or revision thereof by the director shall be submitted by him to the Social Security Committee for final approval. If the budget of a county is approved by the committee it shall allocate and set aside to such county in the general fund of

Federal aid
assistance.

the State Treasury an amount equal to the total budget so approved, which shall become available to the county for Federal-aid assistance for the quarter. In the event that the director or the committee deems it necessary, supplementary budget information shall be furnished them by the County Administrator. No county shall obligate its quarterly allocation of Federal-aid assistance funds until its budget is approved by the committee, nor shall a county obligate, from state or Federal funds, any moneys in excess of such quarterly allocation without the approval of the committee. Allocations of state and Federal funds, as in this section provided, shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets, considered in conjunction with revenues available for the satisfaction of that need: *Provided*, That in preparing his quarterly budget for Federal-aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the director and committee shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient general assistance funds to the appropriation for such category to service such case load and secure the benefit of Federal matching funds.

Federal-aid
assistance
paid by
warrant of
state auditor.

SEC. 9. All Federal-aid assistance authorized by the County Administrator shall be paid by warrant of the State Auditor. The County Administrator shall on or before the twentieth day of each calendar month prepare and submit to the Department of Social Security a roll for each category of such assistance containing the names and addresses of

all recipients of such payments for the month and the respective amounts to be paid to each such recipient. Each such roll shall be authenticated and approved by the County Administrator in the same form as required of public payrolls and upon approval by the Director of Social Security shall be transmitted to the State Auditor for the issuance of warrants.

SEC. 10. Each county in the state shall levy annually a tax upon the assessed valuation of its taxable property at a rate not less than three mills for public assistance purposes. The proceeds of such tax shall be deposited in the county current expense fund in an assistance account and shall be disbursed by warrant of the County Auditor upon a prescribed form authenticated by the County Administrator and approved by the Board of County Commissioners. Disbursements of moneys in such account shall be made primarily for general assistance purposes and shall conform to the uniform standards established as specified in this act. General assistance within the meaning of this section shall include hospital and institutional care, medical care and public health activities.

Three mill
county
tax levy.

In the event that any county in the state does not for general assistance purposes require the entire proceeds of the three-mill levy hereby required to be made, considered in conjunction with revenues accruing to the county from the administration of public assistance programs, it shall so report to the Department of Social Security stating the amount of the over-plus or estimated over-plus, and the director shall immediately bill the county for the return to the state of moneys theretofore allocated to the county and expended for Federal-aid assistance, in an amount equal to such over-plus or estimated over-plus. The director shall certify the bill to the County Auditor who shall immediately issue a warrant against the county current expense fund and

Overplus.

forward the same to the director who shall transmit the warrant to the State Treasurer for deposit in the general fund.

Inadequate
levy.

SEC. 11. If any county finds that proceeds of the three-mill levy required by this act to be made for general assistance purposes are inadequate for such purposes, the County Administrator shall be empowered to submit to the director and committee a request for a special grant-in-aid of state funds. Such request shall be accompanied by a budget of estimated necessary expenditures for general assistance for the period covered by the request and such other data and information as the director may prescribe. For the purpose of this section general assistance shall include programs under Division 1 (b), Medical and Institutions. Upon consideration of such request and supporting budget, the committee shall allocate to the county such amount as in its judgment is proper for general assistance purposes, and immediately notify the administrator of the amount of the allocation. Disbursements for general assistance under this section shall be made by warrant of the County Auditor in the manner prescribed in section 10, and the county shall from time to time be reimbursed for such expenditures by warrant of the State Auditor drawn against the county's allocation of funds in the state treasury. In order to secure reimbursement under this section it shall be incumbent on the counties to maintain such records pertaining to expenditures and to conform to such other requirements in respect thereto as may be prescribed by the Department of Social Security.

Act
mandatory.

SEC. 12. The provisions of this act shall be mandatory upon every county in the state, except that by joint action of the Boards of County Commissioners of two or more counties, approved by the committee, public assistance may be administered through a single administrator acting for such

counties jointly, and no county shall be prejudiced by such joinder in respect to grant-in-aid allocations which it would otherwise be entitled to receive.

SEC. 13. The Social Security Committee shall be empowered to establish and maintain state-wide or regional programs of assistance covering such services as the committee believes can be most efficiently and economically administered on a state-wide or regional basis, including services to crippled children, child welfare services, including foster home care, vocational training for the blind, assistance to other handicapped persons, and any other service of the same general character. Whenever the committee determines to establish and maintain a state-wide or regional program, it shall become the duty of the Department of Social Security to assume full charge and control over the administration thereof, and thereafter it shall be the duty of County Administrators to refer applicants for assistance involving such services to the Department of Social Security. In programs of services to youth the department is empowered to enter into co-operative agreements for joint operation of such programs with Federal agencies including the National Youth Administration and with school districts and their local agencies.

State-wide
or regional
plans of
assistance.

SEC. 14. It shall be the duty of the Department of Social Security to establish uniform state-wide standards to govern the granting of assistance in the several categories of this act and it shall have power to compel compliance with such uniform standards as a condition to the receipt of state and Federal funds by counties for social security purposes.

Uniform
state-wide
standards.

SEC. 15. The moneys appropriated for public assistance purposes and subject to allocation as in this act provided shall be allocated to counties on the basis of past experience and established case load history.

Moneys
allocated to
counties,—
manner.

General assistance—work relief or direct relief.

SEC. 16. Moneys set aside for general assistance purposes may be granted either as work relief as herein defined or direct relief, as circumstances may require. The Director of Social Security shall have power to acquire and distribute, through County Administrators, surplus commodities of the Federal surplus commodities corporation, or its successor, and also to certify persons for Federal programs, but only if such certification is required by Federal law, rules or regulations. In the administration of general assistance under this act, County Administrators shall in so far as possible grant work relief to unemployed employables and confine direct relief to those persons who by reason of bodily or mental infirmity, or other cause, are incapacitated from gainful employment.

Distribution of surplus commodities.

Unemployed employables:

Investigation within forty-five days to determine applicant's eligibility.

SEC. 17. Upon receiving an application for any category of Federal-aid assistance under this act, the County Administrator shall within forty-five days make or cause to be made such investigation as he may deem necessary to determine the applicant's eligibility therefor, and render his decision: *Provided*, That if at the end of the forty-five day period the application has not been approved because of inability to establish age, the application shall still be considered as pending, and, if the applicant be found eligible, the administrator shall determine the amount of assistance to be granted out of available funds in accordance with the uniform standards theretofore established.

Assistance granted only to persons in need.

Such assistance may be granted only to such persons as are in need. A person shall be considered to be in need within the meaning of this act who does not have resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to afford a reasonable subsistence. "Resources" are hereby defined to include (1) assistance in cash, in kind, or in support

given by relatives, friends or organizations, (2) ability of relatives within the classes hereinafter described to contribute to such support: *Provided*, That where such relative or relatives shall refuse to so contribute the administrator may, in his discretion and upon written findings of fact filed by him, determine that ability of a relative or relatives to so contribute shall not constitute a resource sufficient to render the applicant ineligible to assistance, and (3) real and tangible personal property (excluding the home, household goods and personal effects of the applicant, livestock not exceeding \$150 in value, and all foodstuffs produced by the applicant for himself and family), insurance policy cash surrender values and loan values (excluding cash surrender values less than \$300, and loan values less than \$100, under insurance policies which have been in effect for more than five years), cash income or cash in hand, bank deposits, savings accounts, postal savings, stocks and bonds, notes, mortgages and all other property of whatsoever nature.

Resources.

The amount of assistance to be granted in each individual case shall be determined on a budgetary basis, taking into account the need of the applicant and his dependents and the resources of the applicant and of persons responsible for care of the applicant. "Persons responsible for care of the applicant" are hereby declared to be husband or wife, parents (except in the case of applicants who have attained the age of sixty-five years), sons and daughters of legal age and brothers and sisters (but only in the case of applicants by or for whom application is made who are under sixteen years of age), residing within the state, who are financially able to contribute to the support of the applicant in whole or in part, the determination of which shall be made by the administrator.

Amount of assistance determined.

General assistance.

SEC. 18. General assistance shall be given to unemployable persons and unemployed employable persons in such manner, on such basis and subject to such conditions as may be prescribed by the department and approved by the committee. "Unemployable persons" are hereby defined to be those persons who by reason of bodily or mental infirmity or other cause are incapacitated from gainful employment, and who are not eligible to receive or are not receiving Federal-aid assistance. "Unemployed employable persons" are hereby defined to be those persons who although capable of gainful employment are unemployed, and who are not eligible to receive or are not receiving Federal-aid assistance.

False statement as to need.

SEC. 19. An applicant for any category of public assistance under this act may, in the discretion of the administrator, be granted general assistance at once upon making application therefor provided he submits to the administrator a sworn statement of need and resources; but if upon due investigation and inquiry on the part of the administrator it shall develop that such applicant swore falsely, he may be proceeded against criminally and if convicted be punished as for a gross misdemeanor. The county, through its Prosecuting Attorney, may also in such cases institute and prosecute an action to recover any moneys wrongfully received by the applicant by means of his false statement.

Amount not to exceed limitations established by existing law.

SEC. 20. The amount of assistance to be granted an applicant in a specific category of Federal-aid assistance as established by this act shall in no event, when added to resources of the applicant, exceed the limitations established by any act or acts now in existence or hereafter enacted governing the particular category of assistance, including chapter 182, Laws of 1935, as amended by chapter 156, Laws of 1937, chapter 114, Laws of 1937 and chapter 132,

Laws of 1937, or as the same may be hereafter amended or supplemented.

SEC. 21. It shall be the duty of the State Auditor to audit the accounts, books and records of the Department of Social Security. The Social Security Committee shall immediately upon the taking effect of this act proceed to establish and install a uniform accounting system for all categories of public assistance, applicable to all officers, boards, commissions, departments or other agencies having to do with the allowance and disbursement of public funds for assistance purposes, which said uniform accounting system shall conform to the accounting methods required by the Federal government in respect to the administration of Federal funds for assistance purposes.

Audit of
Social
Security
Department
by State
Auditor.

SEC. 22. Any person applying for Federal-aid assistance, or any recipient of such assistance, under this act shall have the right to appear before the administrator for a full and fair hearing upon all the law and facts pertaining to his case and no application shall be denied nor shall a grant be revoked without giving the applicant or recipient an opportunity for such hearing if he requests it. Such hearing shall be held within twenty days after a written request therefor is lodged with the administrator. At any hearing before the administrator a complete and literal transcript shall be prepared of all evidence, both oral and documentary, and such transcript, together with the case-record, shall become the record of the case on appeal. The administrator shall render his decision within twenty-five days after the hearing is concluded and immediately communicate his action to the applicant or recipient. An applicant or recipient feeling himself aggrieved by the action of the administrator shall have the right to appeal to the Director of Social Security, which appeal shall be taken by serving upon the adminis-

Vetoed.

Vetoed.

trator and filing with the director a written notice that the applicant or recipient appeals from said action of the administrator. The notice of appeal may be served either personally or by registered mail. No appeal shall be effective unless notice thereof shall have been served and filed within twenty days after the appellant's application was acted upon by the administrator and such action was communicated to the appellant. Upon receipt of notice of appeal, the director shall advise the appellant and administrator of that fact, and direct the administrator to prepare and forward within ten days thereafter the record of the case on appeal. The director shall hear the appeal upon the record, and shall within twenty days after hearing the appeal either affirm, reverse or modify the decision of the administrator and communicate his decision to the appellant and the administrator. Within twenty days after the director's decision on appeal is communicated to the appellant, he shall, if he feels himself aggrieved by such decision, have the right to appeal therefrom to the Superior Court of the county in which he resides, or at his option, to the Superior Court of Thurston County. Such appeal shall be taken by written notice served upon the director and administrator either personally or by registered mail and filed with the Clerk of the Court. Within ten days after being served with a notice of appeal from his decision, the Director of Social Security shall file with the Clerk of the Court the record of the case on appeal and no further pleadings shall be necessary to bring the appeal to issue. An appeal to the Superior Court under this act may be had by appellant. The appellant, the director or the administrator shall have the right to present any evidence he may deem competent, relevant or material to the case. The Superior Court shall decide the case on the record and any evidence introduced before it and

may either affirm, modify or reverse the decision of the director and fix the amount of assistance to which the appellant shall be entitled under this act. All appeals to the Superior Court under this section, involving aid to dependent children as defined in chapter 114, Laws of 1937, or amendments thereof, shall be heard by the judge then assigned to the juvenile department of said court and acting as judge of the Juvenile Court of the county. Either party may appeal from the decision of the Superior Court to the Supreme Court of the state which appeal shall be taken and conducted in the manner provided by law or the rules of court applicable to civil appeals. Within the meaning of this section a decision shall be deemed *prima facie* to have been communicated to the appellant when a copy thereof has been deposited in the United States mail properly stamped and addressed to the appellant or his attorney of record. There shall be no bond required on any appeal under this act.

Vetoed.

SEC. 23. All records pertaining to public assistance payments under this act shall be held confidential and shall not be public records: *Provided*, That if in any case it is deemed to be in the public interest, the committee, director or administrator may permit access to any specified record or records, and if application therefor be denied by the authority having custody of such records, the applicant may apply *ex parte* and without the payment of any fee to the Superior Court of his own county or of Thurston County for an order directing that such specified record or records be made available to him: *Provided further*, That any agency of the state or the Federal government shall be permitted access to such records for any purpose within the statutory powers of such agency.

SEC. 24. Upon the death of any recipient of assistance the department may file a claim for the

Death of recipient.

Assistance granted is a preferred claim against estate.

total amount of assistance granted under this act and upon the filing thereof such claim shall be allowed by the court as a preferred claim against the estate of such person, subject only to funeral expenses not to exceed \$100 and expense of administration. No such claim shall be enforced against any real estate while it is occupied by the surviving spouse or minor child or minor stepchild of the decedent, but the statutes of limitation shall not run against such claim so long as the collection thereof is prohibited, as hereinabove provided. All recoveries under this act shall be distributed between the county, state and Federal government in the proportion they have respectively paid to such recipient: *Provided*, That no recovery shall be claimed for any assistance granted prior to the effective date of this act.

Assistance not transferable or assignable.

SEC. 25. Assistance given under this act shall not be transferable or assignable at law or in equity and none of the moneys received by recipients under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Witnesses, testimony, subpoena duces tecum.

SEC. 26. In carrying out any of the provisions of this act, the committee, the director, the Board of County Commissioners and the administrator shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

SEC. 27. Any person or persons concealing resources such as cash in hand, bank accounts, savings accounts, cash income, or any other kind of resources and who shall have been granted assistance under this act while having such resources shall be liable for the amount of such assistance and the department or administrator is authorized and directed to recover the amount thereof in a civil action for debt against such recipient, his heirs, executors or assigns.

Concealment
of resources.

SEC. 28. In furthering the purposes of this act, the director or any county administrator may accept contributions or gifts in cash or otherwise from persons, associations or corporations, such contributions to be disbursed in the same manner as moneys appropriated by this act: *Provided*, That the donor of such gifts may stipulate the manner in which such gifts shall be expended.

Contribu-
tions or gifts.

SEC. 29. There is hereby appropriated from the general fund for the biennium ending March 31, 1941, the sum of five hundred thousand dollars (\$500,000) to cover the re-expenditure of such funds as may be returned to the state under the provisions of section 10 of this act.

Appropriation.

Any moneys made available for the purposes of this act shall be devoted exclusively to the furnishing of assistance to needy persons as authorized and provided by this act, and no part of said moneys shall be used for the sponsorship, in whole or in part, of any public works or work relief project or undertaking.

SEC. 30. There is hereby created a Washington Welfare Survey Commission, hereinafter called the commission, of five members to be appointed by the Governor from among the qualified electors of the state, none of whom shall hold any compensated public office under the state or Federal governments. Each member of the commission shall hold office

Washington
welfare
survey
commission.

and be removable at the pleasure of the Governor and shall serve until his or her successor is duly appointed and qualified. The members of the commission shall serve without compensation but may be reimbursed for actual expenses necessarily incurred in the performance of their duties, such reimbursement to be by itemized voucher of the State Auditor certified and approved by the chairman of the commission.

Commission to meet at state capitol.

SEC. 31. The commission, upon the appointment of its members, shall meet at the state capitol and organize by the election of one of its members as chairman and one as secretary of the commission.

Duties of commission.

SEC. 32. The duties of the commission shall consist of a survey of the facts involved in the whole problem of public assistance in the State of Washington, including the nature and extent of need as defined herein in the several categories of assistance provided in this act, various methods properly to be employed in determining the eligibility for and the granting of public assistance, probable future costs of assistance hereunder, and of the resources available and to become available from Federal aid, the state and the counties therefor.

The commission shall give consideration to the activities and requirements of the various Federal and county agencies and other state departments which deal with related problems. The commission, from time to time, shall report its findings to the Governor and make such recommendations thereon as it deems advisable and, on or before December 1 of each year, submit to the Governor its report of findings and recommendations, which report shall constitute public records.

Examination of records.

SEC. 33. For its purposes, the commission is empowered to examine the records of the Department of Social Security and of the several counties, and the Director of Social Security, the county adminis-

trators of the several counties and all other state and county departments and agencies shall make available all such information desired by the commission.

SEC. 34. The commission may employ such Personnel. clerical and other assistance and personnel and incur such other expenses as may be necessary to enable it to carry out the powers and duties herein granted and imposed. It shall prepare and submit to the Director of Social Security, quarterly, a budget covering its anticipated expenses for the succeeding quarter, which budget, when approved by the Governor, shall constitute the items incurred thereunder for administrative expenses of the Department of Social Security, for the payment of which the State Auditor shall draw warrants payable from funds appropriated for the Department of Social Security.

SEC. 35. Chapter 180, Laws of 1937, excepting section 11, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed: Repeal of ch 180, Laws 1937, excepting § 11. *Provided*, That this act shall not be construed to repeal or modify in any respect the provisions of title 74, Remington's Revised Statutes, or chapter 139, Laws of 1931.

SEC. 36. Nothing contained in this act shall be construed to derogate from, or limit, the power of Boards of County Commissioners to provide necessary county revenue by the declaration of emergencies in proper cases as provided by law. Powers of county commissioners not limited.

SEC. 37. If any clause, sentence, paragraph, section or other portion of this act or the application of this act to any particular person or circumstance, be adjudged invalid or unconstitutional, such adjudication shall not affect the remaining portions of the act, or its application to any other person or circumstance, not directly involved in the action in which such adjudication was made. Partial invalidity.

Effective
April 1, 1939.

SEC. 38. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect April 1, 1939.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 20, 1939, with the exception of sections 22 and 23, which are vetoed.

CHAPTER 217.

[S. B. 433.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations for the purchase of land, construction of buildings and improvements at designated state institutions; for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices; for the relief of certain individuals, corporations, counties and municipalities, for refunds and for deficiencies and for emergencies, including deficiencies and appropriation of revolving funds, and for purposes specified in certain acts of Congress, and for miscellaneous purposes designated for the fiscal biennium beginning April 1, 1939, and ending March 31, 1941, except as otherwise provided, defining terms, limiting allowances and compensation, and providing this act shall take effect immediately.

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

"Capital
outlay."

SECTION 1. The words "capital outlay" whenever used in this act, shall mean and include the purchase and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Salaries
and wages."

The words "salaries and wages" whenever used in this act, shall mean and include salaries of execu-

tive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state, including salaries of state examiners.

The word "operations" whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery: *And provided further*, That allowances made for subsistence and lodging for elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor, but shall not exceed four dollars (\$4.00) per diem for meals and lodging: *And provided further*, That the sole compensation for personal automobiles used in connection with state business shall not exceed four cents (4¢) per mile.

"Operations."
"

Scrip books.

Subsistence
and lodging.

Personal
automobiles.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions and for deficiencies, and for emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium be-

Appropriations.

ginning April 1, 1939, and ending March 31, 1941, except as otherwise provided.

FROM THE GENERAL FUND

Central
Washington
College of
Education.

FOR THE CENTRAL WASHINGTON COLLEGE
OF EDUCATION:

Training School Building and equip- ment	\$94,600.01	
Furnishings and seating equipment in auditorium	21,263.92	
		\$115,863.93

(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapters 230 and 231, Laws of 1937)

Eastern
Washington
College of
Education.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:

Library Building, additional boiler capacity and purchase of land	\$188,807.91	
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(Being the reappropriation of the unexpended balance of appropriation made for the purpose by chapter 230, Laws of 1937)

Western
Washington
College of
Education.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:

Capital outlays, major repairs and betterments.	\$15,796.39	
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(Being the reappropriation of the unexpended balance of appropriation made for the like purpose by chapter 230, Laws of 1937)

Capitol
Committee.

FOR THE STATE CAPITOL COMMITTEE:

From the General Fund	\$300,000.00	
From the Capitol Building Construc- tion Fund	158,559.21	
Construction of additional unit to capitol group, including prepara- tion of site and removal of old buildings		\$458,559.21

(Being the reappropriation of the unexpended balances of appropriations made for the like purposes by chapter 230, Laws of 1937)

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

Purchase of land adjoining capitol group	\$6,500.00	
Revision of roadways and walks...	11,057.69	
DesChutes water basin improvement	147,557.15	
Purchase of land for capitol additions	23,869.75	
		\$188,984.59

(Being the reappropriation of the unexpended balances of appropriations made for the like purposes by chapters 159, 160 and 230, Laws of 1937)

FROM THE GENERAL FUND.

FOR THE LADIES OF THE GRAND ARMY OF THE REPUBLIC HOME at Puyallup, Washington (payable quarterly)	\$3,000.00	Ladies of Grand Army of the Republic.
FOR THE DEPARTMENT OF SOCIAL SECURITY:		
Grants-in-aid	\$398,869.09	Social Security.
(Being the reappropriation of the unexpended balance of grants and allotments made from the appropriation and reappropriation to the Department of Social Security by chapters 180 and 231, Laws of 1937)		

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:		State Parks Committee.
Purchase or condemnation of real estate situated in San Juan County, State of Washington: The E½ of the SW¼ and the W½ of the SE¼ of section 20 in township 37, Range 1 W. W. M.....	\$1,800.00	

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE:		Governor.
Contingency and emergency purposes to be disbursed on vouchers approved by the governor for services under contract between the Federal Government and any state department or board whose functions are temporarily held in abeyance by court action, including deficiencies	\$14,758.72	
(The State Board for Vocational Education is hereby authorized to reimburse any other state fund for expenditures made therefrom for vocational education purposes from the appropriations made to it in House Bill 450, using either the current school fund for salaries, wages and operations or from the United States Vocational Education Fund or a combination of both such appropriations)		

FOR JUDGMENTS:

ACME FINANCE COMPANY, judgment for costs in re: Acme Finance Company, a Corporation, vs. Harry C. Huse, Director of Licenses, et al., Thurston County No. 17105.....	\$124.90	Judgments.
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Judgments.

ASSOCIATED STUDENTS, University of Washington, judgment for costs in re: Associated Students, University of Washington vs. H. H. Henneford et al., as Tax Commission, State of Washington, Thurston County No. 16173..	\$21.00
ASSOCIATED STUDENTS, State College of Washington, judgment for costs in re: Associated Students, State College of Washington vs. H. H. Henneford et al., as Tax Commission of Washington, Thurston County No. 16174..	\$21.00
ELLIS C. AYER, Thurston County Clerk, judgment for costs in re: State ex rel. G. W. Hamilton, Attorney General vs. Ellis C. Ayer, Thurston County Clerk.....	\$79.50
BANK OF CALIFORNIA, Trustee, judgment for costs in re: In the matter of the estate of Wm. F. Sheard, deceased, Pierce County No. 25866	\$114.85
PHILIP BRONSON, judgment for costs in re: Philip Bronson vs. H. H. Henneford et al., as State Tax Commission and E. Lloyd Nelson, Intervener, Thurston County No. 16161.....	\$145.06
CARLISLE LUMBER Co., judgment for costs in re: Carlisle Lumber Co. vs. H. H. Henneford et al., as Tax Commission of Washington, Thurston County No. 16179.....	\$70.03
GWIN, WHITE & PRINCE, INC., judgment for costs in re: Gwin, White & Prince Inc. vs. Harold H. Henneford et al., Thurston County No. 16434	\$238.45
JACKSON, H. V., Administrator, judgment for costs in re: Estate of Frank Latmer, deceased, vs. William H. Pemberton, Supervisor Inheritance Tax Division, Pierce County No. 26334	\$46.10
LEFEVRE, J. L., Individually and as Executor of the estate of Nellie F. LeFevre, deceased, judgment, interest and costs in re: J. P. LeFevre et al. vs. State of Washington, Spokane County No. 97906.....	\$3,959.30
E. LLOYD NELSON, judgment for costs in re: Philip Bronson vs. H. H. Henneford et al., as State Tax Commission and E. Lloyd Nelson, Intervener, Thurston County No. 16161.....	\$55.00

	Judgments.
PACIFIC TELEPHONE & TELEGRAPH Co., judgment for costs in re: State of Washington vs. Pacific Telephone & Telegraph Co., Thurston County No. 17199.....	\$214.15
PACIFIC TELEPHONE & TELEGRAPH Co., judgment for costs in re: Pacific Telephone & Telegraph Co. vs. Tax Commission, State of Washington, Thurston County No. 17701....	\$228.25
PETROLEUM NAVIGATION Co., judgment for costs in re: Petroleum Navigation Co. vs. H. H. Henneford et al., as Tax Commission of Washington, Thurston County No. 16189....	\$72.40
PORT OF PORT ANGELES, judgment for costs in re: Port of Port Angeles et al. vs. H. H. Henneford et al., as Tax Commission of Washington, Thurston County No. 16525.....	\$250.44
THOMPSON SECURITIES COMPANY, judgment for costs in re: Acme Finance Company, a Corporation, vs. Harry C. Huse, Director of Licenses et al., Thurston County No. 17105....	\$92.75
WEYERHAEUSER TIMBER Co., judgment for costs in re: Weyerhaeuser Timber Co. vs. H. H. Henneford et al., as Tax Commission of Washington, Thurston County No. 16180....	\$86.80
MORRIS WILLIAMS, judgment for costs in re: Morris Williams vs. G. W. Hamilton, Attorney General et al., Thurston County No. 17155	\$106.30
FROM THE HIGHWAY SAFETY FUND.	
ALEXANDER, J. F., judgments for damages and costs in re: Matter of J. F. Alexander vs. Ed Robinson, King County No. 297049.....	\$1,591.00
FROM THE MOTOR VEHICLE FUND.	
TELANDER CONSTRUCTION COMPANY, balance of unpaid judgment, costs and interest re: Telanders Construction Company vs. State of Washington, Thurston County No. 15466, for which insufficient appropriation was made by the Legislature of 1937. Assigned to Tom W. Holman, Attorney.....	\$483.51
FROM THE PUBLIC SERVICE REVOLVING FUND.	
CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co., judgment and costs in re: Chicago, Milwaukee, St. Paul & Pacific Railroad Co. vs. State of Washington, Thurston County No. 14911	\$8,884.74

GREAT NORTHERN RAILWAY Co., judgment and costs in re: Great Northern Railway Co. vs. State of Washington, Thurston County No. 14908	\$25,978.52
GREAT NORTHERN RAILWAY Co., judgment for costs in re: State of Washington vs. Great Northern Railway Co., Thurston County No. 15417	\$47.25
NORTHERN PACIFIC RAILWAY Co., judgment and costs in re: Northern Pacific Railway Co. vs. State of Washington, Thurston County No. 14909	\$47,716.20
NORTHERN PACIFIC RAILWAY Co., judgment for costs in re: State of Washington vs. Northern Pacific Railway Co., Thurston County No. 16428	\$239.77
OREGON, WASHINGTON RAILROAD AND NAVIGATION Co., judgment and costs in re: Oregon, Washington Railroad and Navigation Co. vs. State of Washington, Thurston County No. 14910	\$3,779.60

FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

Local improvement assessments.

Sundry Municipalities, for Local Improvement Assessments against State-owned lands as follows: <i>Provided</i> , That the payments for local improvement assessments from the following appropriations shall be made only in accordance with the terms and provisions of section 8129, Remington's Revised Statutes.	
FOR THE TREASURER OF THE CITY OF OLYMPIA: Local Improvement Districts Nos. 75, 95, 126 and 274	\$663.63
FOR THE TREASURER OF THE CITY OF SEATTLE: Ordinance 12502 Local Improvement Districts Nos. 895, 1187, 1542, 1700, 2075, 2133, 2428, 2495, 2518, 2569, 2560, 2742, 2754, 2805, 2893, 3053, 3151, 3240, 3268, 3275, 3277, 3289, 3290, 3425, 3709, 4095, 4268, 4519, 4564, 4616, 4732, 4751, 4917, 4934, 4995, 5199, 5282, 5346, 5363, 5374, 5402, 5422, and 5423.....	\$27,325.55
FOR THE TREASURER OF THE CITY OF SPOKANE: Local Improvement Districts Nos. 2248, 2266, 2276, 2288, 2289, 2290, 2293, 2296, 2320 and 2333	\$2,670.61

FOR THE TREASURER OF BENTON COUNTY:		Local improvement assessments.
Priest Rapids Irrigation District...	\$5,515.01	
Sunnyside Irrigation District.....	4,543.79	
Sunnyside Valley Irrigation District	1,120.24	
Yakima-Benton Irrigation District.	157.60	
Drainage District No. 6.....	250.87	
		\$11,587.51
FOR THE TREASURER OF COWLITZ COUNTY:		
Diking Districts Nos. 5, 11 and 15.....		\$959.58
FOR THE TREASURER OF GRAYS HARBOR COUNTY:		
Drainage District No. 4.....		\$1,271.82
FOR THE TREASURER OF ISLAND COUNTY:		
Drainage District No. 3.....		\$21.26
FOR THE TREASURER OF KITTITAS COUNTY:		
Kittitas Reclamation District.....		\$2,481.00
FOR THE TREASURER OF KLUCKITAT COUNTY:		
White Salmon Irrigation District.....		\$20.00
FOR THE TREASURER OF KING COUNTY:		
Drainage Districts Nos. 1 and 6....	\$39.15	
Escheats Nos. 160, 171, 173, 182A, 182B, 191A, and 191B.....	618.26	
Commercial Waterway District No. 1	69.17	
Commercial Waterway District No. 2	3.34	
		\$729.92
FOR THE TREASURER OF OKANOGAN COUNTY:		
Methow Valley Irrigation District.	\$33.63	
Whitstone Reclamation District..	3,205.00	
Wolf Creek Reclamation District..	265.00	
		\$3,503.63
FOR TREASURER OF PEND OREILLE COUNTY:		
Diking District No. 2.....		\$60.66
FOR THE TREASURER OF SKAGIT COUNTY:		
Diking Districts Nos. 1, 5 and 15, Drainage Nos. 14 and 15.....		\$411.18
FOR THE TREASURER OF THURSTON COUNTY:		
Drainage District No. 3.....	\$20.70	
Joint Drainage Improvement Dis- trict No. 7.....	191.16	
		\$211.86
FOR THE TREASURER OF YAKIMA COUNTY:		
Local Improvement Assessments against state lands (state fair grounds) lying in Section 29, Township 13, Range 19, Dike		

Local improvement assessments.

District No. 1, Yakima County, for the years 1928 to 1938, inclusive	\$41.38	
Local Improvement Assessments (Moxee Road) against state lands (state fair grounds) lying in Section 29, Township 13, Range 19, for the years 1931 and 1932	36.85	
Drainage District No. 32.....	793.64	
Sunnyside Valley Irrigation District	122.44	
Yakima-Benton Irrigation District.	191.90	
Drainage Districts Nos. 37 and 41..	1,226.81	
Summitview, Cowiche and Tieton Road Improvement District....	355.54	
Nob Hill and Ahtanum Road.....	796.98	
Buena-Toppenish Road	45.76	
	<hr/>	\$3,611.30

FOR THE TREASURER OF THE CITY OF CENTRALIA:
 Local Improvement District No. 64..... \$141.41

FOR THE TREASURER OF WAHKIAKUM COUNTY:
 Diking District No. 1..... \$571.20
 Diking Improvement District No. 4 33.70

 \$604.90

FOR THE TREASURER OF WHATCOM COUNTY:
 Drainage District No. 7..... \$50.63

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR STATE CAPITOL COMMITTEE:
 For DesChutes water basin improvement..... \$98,000.00
 For planting lawn and shrubbery around Social Security and new building..... \$2,500.00

Capitol Committee.

FROM THE TEACHERS' RETIREMENT FUND.

FOR THE STATE TEACHERS' RETIREMENT SYSTEM:
 To reimburse the General Fund for disbursements made on account of the Teachers' Retirement Fund

\$10,000.00

Teachers' Retirement System.

FROM THE GENERAL FUND.

FOR THE STATE LIBRARY:
 Salaries, wages and operations..... \$5,900.00
 (To become available only in the event that this appropriation is necessary to secure additional funds provided by the Federal Government for use of the library)

State Library.

FOR THE WASHINGTON STATE PROGRESS COMMISSION:		State Progress Commission.
For capital outlay, operations and maintenance of state's exhibits at the Golden Gate International Exposition and New York World's Fair; for salaries and wages in connection therewith; for exhibits at World's Poultry Congress; for exhibit at National Dairy Show	\$82,500.00	
FOR THE STATE SCHOOL EQUALIZATION FUND to be available on approval of the Governor.....	\$750,000.00	School Equalization Fund.
FOR DISTRIBUTION OF FUNDS received under the Federal Act of June 28, 1934, 48 Stat. 1273, section 10. These funds to be distributed to counties from which receipts were derived.....	\$5,000.00	Distribution of Federal funds.
FOR BOARD OF PRISON TERMS AND PAROLES:		Prison Terms and Paroles.
Salaries and wages.....	\$9,800.00	
Operations	8,630.00	
	\$18,430.00	
FOR RETIREMENT FUND, Judges of the Supreme and Superior Courts, deficiency.....	\$1,800.00	Retirement Fund, Judges of the Supreme Court.
FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		Central Washington College of Education.
Purchase of dormitories and/or student activities buildings	\$160,500.00	
FROM THE HIGHWAY SAFETY FUND.		
FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:		
ELECTRIC STORAGE BATTERY Co., supplies furnished in previous biennium to Washington State Patrol	\$22.46	Relief.
GOODYEAR TIRE & RUBBER Co., supplies furnished in previous biennium to Washington State Patrol	\$1.87	
KRIENKE MOTOR Co., supplies furnished in previous biennium to Washington State Patrol..	\$19.95	
MASON, WALSH, ATKINSON, KIER Co., services furnished in previous biennium to Washington State Patrol.....	\$8.40	
MORFORD-BLANGY MOTORS, INC., supplies furnished in previous biennium to Washington State Patrol	\$3.19	
SHELTON GARAGE, supplies and services furnished in previous biennium to Washington State Patrol	\$8.00	

Relief.

SMITH, ARCHIBALD C., personal injuries suffered in collision with a State Patrol car December 27, 1937	\$1,733.57
VALVOLINE OIL Co., supplies furnished in previous biennium to Washington State Patrol..	\$117.59

FROM THE MOTOR VEHICLE FUND.

ADAMS, MRS. EVELYN, personal injuries received in accident near Kelso, July 25, 1938.....	\$215.00
BALDWIN, RALPH R., refund of tax on 528 gallons of gasoline	\$26.40
BALLANTYNE, D. J., damages to automobile caused by inadvertence of employee of Department of Highways.....	\$7.50
BRANHAM Co., BEN P., 10 reference books delivered January, 1937, F. R. Marshall No. 126638, voucher submitted subsequent to March 31, 1937.....	\$7.50
BROMMER BROS., damages sustained by uncontrolled fire set by maintenance employees of State Department of Highways.....	\$50.00
CAPITAL STATIONERS, INC., carbon paper furnished September, 1936, on purchase order 247033, voucher submitted subsequent to March 31, 1937.....	\$4.75
CHEHALIS WESTERN RAILROAD Co., refund of tax on 300 gallons of gasoline.....	\$15.00
CITIZENS' UTILITIES Co., electric service for February and March, 1937, vouchers submitted subsequent to March 31, 1937 (Spokane)....	\$2.50
CITY OF BELLINGHAM, Treasurer of, delinquent local improvement assessments on R/W purchase by the State Department of Highways.	\$1,868.05
CLERK OF THURSTON COUNTY, court fees from January 1, 1935, to March 31, 1937, cases supported by sworn vouchers.....	\$265.40
COLUMBIA & OKANOGAN NURSERY Co., water bill of October 1936, voucher submitted subsequent to March 31, 1937.....	\$12.00
DAVIS & WHITE, INC., refund of tax on 1701 gallons of gasoline.....	\$85.05
DEVEREAUX, KEITH, refund of tax on 168 gallons of gasoline	\$8.40
DUNBAR, LUTHER, damages to automobile sustained in collision with State Highway equipment near Entiat, Washington, December 27, 1936	\$59.94

	Relief.
ELWAY, HARRY, damages to automobile sustained in collision with State Highway equipment September 21, 1937.....	\$150.00
FAIRBANKS, MORSE & COMPANY, supplies purchased by Director of Highways, October 25, 1937	\$207.38
GAINES, HENRY L., refund of tax on 82 gallons of gasoline	\$4.10
GRANGE SUPPLY COMPANY, INC., of Odessa, Washington, refund of tax on 1764 gallons of gasoline	\$88.20
GREAT NORTHERN RAILWAY COMPANY, damages sustained to track by blasting in vicinity of Boundary, Washington, September, 1938....	\$23.23
GREAT NORTHERN RAILWAY COMPANY, repairs to railroad bridge near Brewster, Washington, damaged by a State Highway truck.....	\$53.22
GREEN, A. C., damages to automobile tire sustained in connection with an accident on State Highway No. 101 near Port Angeles, Washington, September 1, 1938.....	\$14.19
ERICKSON, E. R., refund of sales tax on materials used on contract which was under way during enactment of law.....	\$2,394.06
HAINES, FRANCIS M. AND CADDIE, damages to automobile and personal injuries suffered in accident State Highway No. 10 in Douglas County, November 21, 1937.....	\$1,978.30
HOME INSURANCE Co. (CHESTER CHASE), damages to automobile sustained in collision with State Highway equipment near Cle Elum, Washington, February 10, 1938.....	\$125.25
° HOWARD, FRANK L., damages sustained in collision with State Highway truck, December 21, 1938	\$25.00
KALMBACH, J. E., water rent for January, February and March 1937 (Vancouver) vouchered subsequent to March 31, 1937....	\$3.60
LARSEN, HARRY, damages sustained in collision with State Highway equipment, January 30, 1937	\$13.95
LAWSON, W. H., 200 yards of gravel sold to Highway Department in June and July, 1936. Vouchered June 25, 1938.....	\$10.00
LINSCOTT, P. A., damages sustained in collision with State Highway equipment December 23, 1938	\$21.50

Relief.

MERCHANT CALCULATING MACHINE, repairs to calculator December 1936 (Seattle), vouchered subsequent to March 31, 1937.....	\$4.20
MOORE, BEN, refund of tax on 508 gallons of gasoline	\$25.40
MORRELL, MARJORIE, damages sustained in collision with State Highway equipment on Highway No. 3 near Oakesdale, Washington, September 28, 1937.....	\$83.25
MOTOR LIST Co., Inc., 1937 license directory furnished in February 1937 (Seattle), vouchered subsequent to March 31, 1937.....	\$30.00
NICHOLS, HAROLD, damages to automobile sustained in collision with State Highway Equipment January 17, 1939.....	\$33.60
NORTHWEST TESTING LABORATORIES, inspection and testing materials, February, March, April and June 1936, vouchered subsequent to March 31, 1937.....	\$692.44
NORTHWEST TESTING LABORATORIES, services rendered Department of Highways in October and November 1936, vouchered subsequent to March 31, 1937.....	\$39.19
OTT, RICHARD B., damages to automobile sustained in collision with State Highway equipment near Tyler, Washington, September 20, 1937	\$353.38
PALMER, P. C., damages sustained in collision with State Highway equipment January 28, 1939	\$12.42
PHILLIPS, J. C., ambulance service for Vance Thomas from Davenport to Spokane, February 1925, vouchered subsequent to March 31, 1937	\$20.00
POLSON LOGGING Co., refund of tax on 19,884 gallons of gasoline.....	\$994.20
AUSTIN, A. W., damages to automobile sustained in collision with highway equipment January 4, 1939.....	\$28.86
BROWN, M. A. AND HARRIET, damages to automobile in accident with highway equipment July 28, 1937.....	\$164.19
DOMERUDE BROTHERS, refund of tax on 335 gallons of gasoline.....	\$16.75
HAGGLUND, LEVOY, damages to automobile in accident with highway equipment December 4, 1937	\$44.31

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS,
FIRMS AND CORPORATIONS:

Relief.

FROM THE CURRENT SCHOOL FUND.

CLERK OF THURSTON COUNTY, court fees from
January 1, 1935, March 31, 1937, Case 16314 \$9.00

FROM THE FISHERIES FUND.

ARTISAN'S COOPERATIVE COMMUNITY, refund of
wholesale dealer's license for the year 1936. \$10.00

BECK, C. O., refund of duplicate payment for
gill net license for the year 1938..... \$15.00

CLERK OF THURSTON COUNTY, court fees from
January 1, 1935, to March 31, 1937, cases
15784, 16278, 16380 and 16466..... \$20.80

FISH COMMISSION OF OREGON, refund of tax on
fish collected in error from E. M. Johnson.. \$122.89

GIZDAVICH, JOHN, refund of tax collected on
fish in error..... \$223.88

METCALF, M. E., collision with equipment of the
Fisheries Department, December 10, 1938... \$200.00

FROM THE GAME FUND.

BELL-WYMAN COMPANY, supplies furnished
Game Department in previous biennium.... \$134.99

DECKER, W. C., damages to automobile and per-
sonal injuries received in collision with Game
Department, January 5, 1938..... \$660.00

RUDE, FRED O., cost of repairs to residence at
Deep Creek, Washington, damaged by State
Game truck September 1, 1937..... \$33.50

FROM THE GENERAL FUND.

PAYTON, MARIE, compensation for her son, Dealo
Payton, for sickness and injuries suffered in
line of duty while a member of the National
Guard \$1,000.00

GIBSON, ADDIE, for loss of her husband, Israel
Gibson, due to collision with truck owned
by the Department of Social Security..... \$2,500.00

TAYLOR, BEN F., compensation for expense ac-
count of undulant fever contracted while
employed at the Washington State Peni-
tentiary \$600.00 } Vetoed.

ABBOTT, CHARLES W., refund of pharmacist's
license fee for the year 1934..... \$10.00

ADMINISTRATRIX OF THE ESTATE OF STEPHEN
MATTHEWS, refund of cash escheated to the
State of Washington..... \$3,021.48

Relief.	ALLSTRUM PRINTING Co., refund of corporation license fee for the year 1937.....	\$15.00
	AMERICAN PLUMBING & STEAM SUPPLY Co., supplies furnished Washington State Penitentiary in previous biennium.....	\$12.86
	BALLARD LODGE No. 827 B. P. O. E., refund of inheritance tax in the matter of the bequest of Charles Edward Thorpe.....	\$50.00
	BORN, HARRY, damages sustained in collision with state equipment on Capitol Way, Olympia, February 25, 1938.....	\$12.06
	BUCHINGER, THEOBOLD, refund of overpayment of maintenance account of Augusta Moreover, former patient at Western State Hospital...	\$13.04
	BUCKLEY, RALPH, Sheriff, expense incurred in the previous biennium for transportation of inmates to state institutions.....	\$20.15
Vetoed.	BURNS, LLOYD T., in full settlement for injuries received in an accident in the Metropolitan Garage, Seattle, December 24, 1926.....	\$1,000.00
	CLERK OF THURSTON COUNTY, court fees from January 1, 1935, to March 31, 1937, cases as supported by sworn vouchers.....	\$518.00
	COLE, V. A., refund of notary fee.....	\$10.00
	CURTISS, R. H., traveling expenses incurred while in the employ of the State School for Boys..	\$12.04
	DESERT GOLD PRODUCTION CORPORATION, refund of corporation license fee for the year of 1938	\$15.00
	DICK Co., R. & J., supplies furnished State School for Girls in previous biennium.....	\$23.03
Vetoed.	DORSCH, F. W., reimbursement for expenses incident to the illness and death of his son, Warren E. Dorsch, formerly a member of the Washington National Guard, who was injured during military drill October 14, 1929.	\$507.50
	FEDERAL OLD LINE LIFE INSURANCE Co., refund of duplicate payment of annual license fee for the year 1938.....	\$15.00
	FINNELL SYSTEM, INC., supplies furnished Capitol Buildings and Grounds in previous biennium	\$8.25
	FLEISCHER, EVERETT, refund of purchase price of shore lands on Pine Lake, Washington.....	\$57.80
	FRISBIE MAPLE SYRUP Co., INC., supplies furnished State Custodial School in previous biennium	\$217.50

GARLOCK PACKING Co., THE, supplies furnished State School for Girls in previous biennium.	\$35.60	Relief.
GATES, ROY G., account of injuries sustained June 25, 1923 (Appropriated from wrong fund in 1937).....	\$1,000.00	} Vetoed.
GEVEKE, EDNA C., refund of overpayment of maintenance account of Laura Erickson, former patient at Western State Hospital....	\$5.15	
GLADDING, McBEAN & Co., supplies furnished State Soldiers Home in previous biennium..	\$12.50	
GLASGOW, ROBERT B., compensation for injuries received June 24, 1927, while on active duty as a member of the Washington National Guard	\$350.00	} Vetoed.
GROSS, CLARA R., witness fee before special Senate Investigating Committee February 1 and 2, 1937.....	\$4.80	
GROSS, WM. H., witness fee before special Senate Investigating Committee February 1 and 2, 1937.....	\$4.80	
HORTON, E. S., transportation and medical aid treatment for eye injury suffered while employed as engineer in the Old Capitol Bldg., in August 1925.....	\$43.75	
HOWE, WALTER C., refund of overpayment of maintenance account of Laura Howe, former patient at Western State Hospital.....	\$14.30	
HUMPHRIES, J. ORVILLE, refund of overpayment of inheritance tax on the estate of James Anderson, No. 28966, Superior Court for Spokane County	\$838.78	
HOXEY, T. E., estate, refund of overpayment of inheritance tax	\$1,391.15	
JOHNSON, LOTTIE, personal injuries suffered in an accident at the State School for the Blind, January 2, 1939.....	\$405.40	
KEE LOX MANUFACTURING Co., supplies furnished Department of Finance, Budget and Business in previous biennium.....	\$3.00	
LABOR AND INDUSTRIES, DEPARTMENT OF, services furnished State School for Girls in previous biennium	\$37.25	
LANG, F. S., MFG. Co., supplies furnished the State Soldiers' Home in the years 1935 and 1936	\$13.70	

Relief.	MCGINNIS, MRS. A. J., damages to automobile sustained in collision with truck driven by employe of the Department of Public Welfare	\$23.63
	MCKINNEY, H. E., refund of Electrician's license fee remitted to State Treasurer November 8, 1934	\$15.00
Vetoed.	{ MEYERS, JOHN, injuries sustained October 18, 1934 (appropriated from wrong fund in 1937)	\$750.00
	MICELI, MRS. JOHN, supplies purchased by the Department of Public Welfare in previous biennium	\$7.70
	MOODY, MAE, unclaimed dividends from liquidation of the Fremont State Bank of Seattle, escheated to the Permanent School Fund...	\$16.02
	NASH, VERNON AND EVELYN, damages and personal injuries in collision with Washington Emergency Relief Administration truck October 26, 1935.....	\$1,000.00
	NATIONAL RETAILERS MUTUAL INSURANCE COMPANY, subrogated claim of E. J. Murnen for damages in collision with equipment of State Department of Social Security, December 7, 1938	\$197.47
	NORTHERN EMPIRE MINING Co., refund of corporation license fee for the year 1938.....	\$27.50
	OLSON, O. H., State Printer, printing of laws of legislative session of 1937.....	\$9,287.33
	PACIFIC HIGHWAY TRANSPORT, services furnished State School for Girls in previous biennium	\$.50
	PACIFIC TELEPHONE & TELEGRAPH Co., telephone service for House of Representatives for the period March 17, 1937, to April 15, 1937.....	\$24.67
	PAYNE, MR. AND MRS. G. W., expense in connection with death and funeral of their son Trevor, who was killed June 27, 1938, in a collision with a truck of the Washington National Guard	\$1,168.50
	PETTIBONE, CARL A., refund of Accountant's Examination fee remitted to State Treasurer October 10, 1931.....	\$25.00
	PROPERTIES IMPROVEMENT CORPORATION, refund of Corporation license, for the period July 1, 1937, to June 30, 1938.....	\$15.00
	PUGET SOUND MACHINERY DEPOT, supplies furnished Washington Veterans' Home in previous biennium	\$53.90

	Relief.
PUGET SOUND MACHINERY DEPOT, supplies furnished Washington State Penitentiary in previous biennium	\$178.56
RHODES, JAY A., refund of overpayment of maintenance account of Hosie M. Rhodes, Northern State Hospital.....	\$1.29
ROSE, J. M., reimbursement for rental and improvements on public lands by reason of cancellation of lease on NE¼ of the N½ of the SE¼ of Section 36, Township 34N., Range 44, E. W. M., in Pend Oreille County.	\$53.00
RHODES, MILTON, court costs in the matter of Milton Rhodes vs. State of Washington and Director of Finance, Budget and Business, King County No. 155908.....	\$87.44
SEQUIM PRESS, THE, publication of constitutional amendments for Secretary of State in 1936..	\$190.22
SNIDER, CLAUDE C., receiver for the Riverton Sportsdome Inc., refund of racing license fee for May and June 1937.....	\$1,300.00
STANDARD BRANDS OF CALIFORNIA, supplies furnished State School for Girls in previous biennium	\$4.44
STONE & TROBRIDGE, supplies furnished Western State Hospital in previous biennium.....	\$23.90
TAYLOR, RUTH, refund of unused beauty school license fee	\$136.44
TIETON WATER USERS ASSOCIATION, water assessments for the years 1937 and 1938 against state land in the Yakima-Tieton Irrigation Project	\$2,280.85
YOUNG, JEMIMA, for the estate of William H. Young, to be paid to the Commissioner of Public Lands, and applied on principal on state land contract No. 5976 in the office of the Commissioner of Public Lands being relief for the purchase price of land taken by the United States Government.....	\$392.72
UNDERWOOD ELLIOTT FISHER Co., supplies furnished Department of Finance, Budget and Business in previous biennium.....	\$183.45
UNITED GAS CORP. OF WASHINGTON, refund of corporation license fee for the year 1935...	\$10.00
VITA-MIN-PRO-DUCTS COMPANY, supplies furnished Western State Hospital in previous biennium	\$7.43

Relief.

YOUNG, J. C., refund of unclaimed dividend from liquidation of the Scandinavian-American Bank of Seattle.....	\$9.66
ZINDORF, EDWARD L. AND CEDRIC, refund of overpayment of inheritance tax on the estate of Helen J. Zindorf.....	\$38.00

FROM THE PENITENTIARY REVOLVING FUND.

TUM-A-LUM LUMBER Co., supplies furnished Washington State Penitentiary in previous biennium	\$45.36
UNITED SHOE MACHINERY CORP., supplies and services furnished Washington State Penitentiary in previous biennium.....	\$17.45

FROM THE MOTOR VEHICLE FUND.

POST ELECTRIC & MACHINERY Co., repairs to blueprint machine in December 1936, vouchered subsequent to March 31, 1937.....	\$2.00
POST EXCHANGE OF FORT LAWTON, refund of tax on 10,992 gallons of gasoline.....	\$549.60
POTLATCH YARDS, Inc., lumber delivered in October 1936, vouchered subsequent to March 31, 1937	\$4.25
RAILWAY EXPRESS AGENCY, transportation charges for March 1937, vouchered subsequent to March 31, 1937.....	\$4.37
RICHARDS, LINFORD, damages to automobile sustained in collision with State Highway equipment December 24, 1937.....	\$69.24
RICHARDS, W. M., damages to automobile sustained in collision with State Highway equipment near Leavenworth, Washington, July 12, 1938	\$28.41
SCHONS, B. A., damages to automobile sustained in collision with State Highway equipment near Leavenworth, Washington, February 17, 1937	\$19.28
SCHWABACHER HARDWARE Co., scythes and snaths on purchase order 221236 (Spokane), August 1935, vouchered subsequent to March 31, 1937	\$147.13
SCIENTIFIC SUPPLIES Co., calcium chloride delivered February 1937, vouchered subsequent to March 31, 1937.....	\$1.55
SMITH, JOHN, damages to truck sustained in collision with State Highway equipment near Kelso, Washington, July 25, 1938.....	\$240.00

	Relief.
STEVENS, JAMES L., damages to automobile sustained in accident caused by loose plank on bridge near Scenic, Washington, July 1938..	\$12.75
SUNSET ELECTRIC Co., motor repairs delivered January 1936, vouchered subsequent to March 31, 1937.....	\$36.38
SUNSET ELECTRIC Co., auto radio delivered November 1935, on purchase order 225998 (Yakima), vouchered subsequent to March 31, 1937	\$48.15
TIDEWATER ASSOCIATED OIL COMPANY, refund of excess truck license fees paid in 1936.....	\$45.00
TREASURER OF OKANOGAN COUNTY, taxes for the years of 1931 and 1932, on various lots in the town of Tonasket.....	\$21.35
TREASURER OF YAKIMA COUNTY, taxes for the years of 1931, 1932 and 1933 on parts of property between Oak Flat and Nelson Bridge in Yakima County.....	\$28.63
UNION OIL Co., 2 iron barrels delivered August 1934 (Spokane), vouchered subsequent to March 31, 1937.....	\$10.00
UNION PACIFIC RAILROAD Co., for destruction of bridge material by fire getting out of control October 22, 1938, in the course of burning weeds by State Highway employee.....	\$76.15
UNITED TRUCK LINES, INC., damages to truck sustained in collision with State Highway equipment near Spokane, Washington, February 17, 1938	\$338.79
WASHINGTON WATER POWER Co., light and power bill February and March, 1937 (Spokane), vouchered subsequent to March 31, 1937....	\$20.11
WENATCHEE DAILY WORLD, publication of notice in March, 1936, vouchered subsequent to March 31, 1937.....	\$1.50
WHITFIELD, HAROLD, damages to automobile sustained in collision with State Highway equipment April 15, 1938.....	\$195.42
FROM PARKS AND PARKWAY FUND.	
SHELL OIL COMPANY, gas and oil furnished the State Parks Committee in a previous biennium	\$68.44
FROM THE UNIVERSITY OF WASHINGTON FUND.	
SQUIER, PAUL, injuries sustained in University of Washington Chemistry Department, December 29, 1937.....	\$200.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

Relief.

CLERK OF THURSTON COUNTY, court fees from January 1, 1935, to March 31, 1937, cases supported by sworn vouchers.....	\$326.15
GALE, L. S., refund of contract hauling license for the year 1934.....	15.00
	\$341.15

FROM THE RECLAMATION REVOLVING FUND.

CLERK OF THURSTON COUNTY, court fees from January 1, 1935, to March 31, 1937, cases 16427 and 16429.....	\$6.00
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FROM THE MOTOR VEHICLE FUND.

FOR THE TREASURER OF THURSTON COUNTY:	
For the retirement of delinquent Thurston County road bonds Nos. 398 to 577.....	\$201,750.00

State Auditor.

FOR THE STATE AUDITOR:	
Salaries, Wages and Operations.....	\$3,000.00

State Treasurer.

FOR THE STATE TREASURER:	
Salaries and Wages.....	\$2,000.00

FROM THE GENERAL FUND.

Vetoed.

{	FOR THE STATE TREASURER:	
	Salaries and Wages.....	\$1,000.00
{	FOR THE DEPARTMENT OF AGRICULTURE:	
	For the Division of Dairy and Livestock, for enforcement of branding laws.....	\$8,263.00
	FOR THE DEPARTMENT OF HEALTH:	
	For County Public Health Work.....	\$60,000.00

Vetoed.

{	FOR THE DEPARTMENT OF LICENSES:	
	To carry out the provisions of Senate Bill No. 213 (Expenditures not to exceed receipts)...	\$25,000.00

Vetoed.

Railroad tax cases.

{	FOR STATE TAX COMMISSION:	
	FOR INHERITANCE TAX AND ESCHEAT DIVISION:	
	Salaries, Wages and Operations.....	\$6,000.00
	For the purpose of defending suits brought by railroad companies contesting their property taxes (to become available upon approval of the governor)	\$15,000.00

FROM THE HIGHWAY SAFETY FUND.

TERRY, MRS. GEORGEA:

For three minor children, compensation for loss by death of their father, Rudger Terry, to be paid to the legally appointed guardian of said children and disbursed under Superior Court order for the sup- port of said children, in full settlement...	\$6,000.00
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FOR THE DEPARTMENT OF LICENSES:

To carry out the provisions of Senate Bill No. 25 \$35,000.00 Licenses.

FROM THE CURRENT SCHOOL FUND.

FOR THE STATE BOARD OF EDUCATION:

State Board of Education.

To be used for the purpose of assisting in the reorganization of school districts within the counties in accordance with the plans and recommendations of the Washington State Planning Council relating thereto, to be allotted by the governor..... \$60,000.00

FROM THE FISHERIES FUND.

FOR THE RELIEF OF JAMES HEPBURN, et al..... \$300.00 Relief.

FROM THE PUBLIC SERVICE REVOLVING FUND.

FOR THE DEPARTMENT OF PUBLIC SERVICE:

Public service.

To carry out the provisions of House Bill No. 535 \$300,000.00

FROM THE GENERAL FUND.

To carry out the terms and provisions of Chapter 154, Laws of 1935..... \$2,500.00

FOR THE UNIVERSITY OF WASHINGTON:

To train teachers of physically and mentally handicapped children as required by the State Board of Education according to the provisions of chapter 179, Laws of 1937..... \$12,000.00

} Vetoed.

SEC. 3. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 4, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 20, 1939, with the exception of certain items which are vetoed.

CHAPTER 218.

[S. H. B. 156.]

PACIFIC-NORTHWEST CENTENNIAL EXPOSITION.

AN Act relating to the Pacific-Northwest Centennial Exposition to be held in Seattle in 1942; providing for a state exhibit therein, for the construction of state buildings therefor and creating a commission to have charge and control thereof and defining its powers and duties; and making an appropriation therefor.

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

Commission created.

Governor to appoint.

Official bond.

State exhibit.

SECTION 1. The Washington State Commission for the Pacific-Northwest Centennial Exposition to be held in Seattle in 1942 (hereinafter called the commission) is hereby created to consist of not more than seven (7) members to be appointed by the Governor, and to hold office at his pleasure. Each member, within thirty (30) days of his appointment, shall execute an official bond to the State of Washington in the penal sum of five thousand dollars (\$5,000) conditioned upon the faithful performance of his duties: *Provided, however,* That when the amounts in excess of one hundred thousand dollars (\$100,000) appropriated by this act become available each such member shall execute such official bond in the sum of ten thousand dollars (\$10,000). The members of the commission shall receive no compensation for their services but shall be allowed their actual necessary traveling expenses incurred in the performance of their duties hereunder. The Governor shall designate the chairman of the commission and shall fill vacancies occurring for any cause in the membership thereof.

SEC. 2. The commission shall have the charge and control of the state exhibit hereby authorized and of the expenditures of all moneys appropriated by the State of Washington for the purposes hereof. The commission shall have the power to em-

ploy and fix the compensation of such expert, clerical and other assistants as may be necessary. The commission shall as requested by the Governor from time to time render reports to him of its proceedings and of all moneys expended by the commission. The commission, following the close of said exposition may sell any property purchased and any building or other structure constructed by the commission for the use of the State of Washington at said exposition (except such as may be constructed on state property), and any money received by the commission from the sale of such buildings, structure or property, shall be deposited in the general fund of the State of Washington.

Personnel.

SEC. 3. In carrying out the purposes of this act the commission shall have the power and it shall be its duty to provide for the acquisition, collection, transportation, installation and maintenance of a state exhibit at the Pacific-Northwest Centennial Exposition to be held in Seattle in 1942 by its sponsor, the Pacific-Northwest Centennial Exposition, a Washington non-profit corporation, and the construction of a state building or buildings for said state exhibit and the gardening and improvement of the grounds surrounding the state building or buildings, and the rental of such space as the commission may deem adequate for any part or parts of said state exhibit, and for the supply of utility services in connection with said state exhibit, and for the compensation of the assistants employed by the commission, and for all other expenses as may be deemed necessary by the commission to carry out the purposes of this act. The state exhibit hereby authorized may include not only an exhibit of the resources, industries and products of the State of Washington but also objects of historical interest, displays of Washington wild life, sports, scenic and other tourist attractions and such displays as

Construction
of state
building.

illustrate the function and administrative faculty of the state government and its departments in the advancement of industry, education, recreation and the arts and the adaptation of its institutions and activities to the wants and welfare of the people. No expense shall be incurred hereunder by the commission for the improvement of the exposition site or the erection of structures thereon until such time as the Pacific-Northwest Centennial Exposition shall have proved to the satisfaction of the commission that its plans are completed, and in form satisfactory to the commission, and that the necessary commitments for financing have been received to enable said corporation to proceed with, and to meet all necessary construction and maintenance and operation expenses involved in, the holding of such exposition in the year of 1942, nor shall any expense other than administrative be incurred until an enforceable contract entitling the State of Washington to participation in admissions as provided in section 4 hereof shall have been executed and filed with the Auditor of the State of Washington.

Participation
of state in
admission
proceeds.

SEC. 4. The commission hereby created shall have the power to make, and shall enter into, such proper contracts with Pacific-Northwest Centennial Exposition as will entitle the State of Washington to a participation in all pay admission tickets on the basis of twenty cents (20¢) for each adult and ten cents (10¢) for each minor paying for admission to said exposition; and for a further participation by the state in all net profits of the exposition on a proper percentage basis determinable in the discretion of the commission. The commission shall further have power to make and enter into all proper and necessary contracts with suitable persons and corporations, including the Pacific-Northwest Centennial Exposition, with a view to

the effectuation of this act and the making of the improvements specified in section 3 hereof.

SEC. 5. There is hereby appropriated out of the general fund in the state treasury the sum of two million dollars (\$2,000,000) or so much thereof as may be necessary: *Provided*, That the same shall become available as follows: One hundred thousand dollars (\$100,000) on the effective date of this act; one million nine hundred thousand dollars (\$1,900,000) on February 1, 1941: *And provided further*, That no liability shall be incurred under this act in excess of the unexpended balance then available. All expenditures shall be made upon vouchers approved by the commission.

Vetoed.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 21, 1939, with the exception of section 5, which is vetoed.

CHAPTER 219.

[H. B. 189.]

DAIRY INDUSTRY

AN ACT relating to the dairy industry; declaring the public policy of this state to promote the expansion of the dairy industry by promoting the increased use of dairy products, by providing for research and publicity advertising and sales promotion campaign to increase the consumption of Washington dairy products; levying an assessment on dairy products and providing for its collection; creating a dairy products commission, constituted with state authority and vesting in it the administration of this act; providing for the powers, duties and authority of said commission; providing penalties for the violation of this act; and providing for the public welfare.

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

SECTION 1. That this act is passed:

(a) In the exercise of the power of the state

Purpose
of act.

to protect the public health, to provide for the economic development of the state, to prevent fraudulent practices, to promote the welfare of the state, and stabilize the dairy industry by increasing consumption of dairy products within the state and nation;

(b) Because the dairy products produced in Washington comprise one of the major agricultural crops of Washington, and that therefore the business of marketing and distributing such crop and the expansion of its markets is affected with the public interest;

(c) Because it is necessary and expedient to enhance the reputation of Washington dairy products in domestic and national markets;

(d) Because it is necessary to promote the knowledge of health-giving qualities, food and dietetic value of the dairy products of the nation and Washington dairy products in particular, and to expanded development of the dairy industry;

(e) Because Washington dairy products are handicapped by eastbound freight rates, therefore the quality of these products must be impressed upon the consumers of the nation, in order that these handicaps may be overcome;

(f) Because the stabilizing of the dairy industry, the enlargement of its markets, and the increased consumption of dairy products are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment, and to provide for higher wage scales for agricultural labor and maintenance of our high standard of living;

(g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only dairy products of the highest standards of quality, the methods and care used

in their preparation for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of marketing and distribution to the extent that the spread between cost to consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(h) To establish a permanent organization to assist and promote the supplying of under-nourished and under-privileged children with the necessary milk and milk products to insure the development of healthy bodies and minds in order that they may develop into useful citizens of the state and nation in the future;

(i) To protect the general public by educating it in reference to the various market classifications of dairy products, the food value and industrial and medicinal uses thereof.

SEC. 2. That as used in this act:

(a) The term "commission" shall mean the Washington State Dairy Products Commission;

Definitions.
"Commission."

(b) The term "person" shall mean individuals, corporations, partnerships, trusts, associations, co-operatives, and any and all other business units, devices and arrangements;

"Person."

(c) "Shipment" and "shipped" shall be deemed to have taken place when milk and/or cream has been delivered or consigned to any person, dealing in, processing, distributing or manufacturing dairy products for sale at wholesale or retail, for human consumption, industrial or medicinal uses;

"Shipment."

(d) The terms "handle" or "handler" shall mean or indicate any person who purchases milk, cream and/or skimmed milk, for processing, manufacturing, sale or distribution, whether as owner, agent or otherwise;

"Handle."

"Dealer." (e) The term "dealer" shall mean and include any person who handles, ships, buys and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

"Processor." (f) The term "processor" or "processing plant" shall include every person and every place to whom or to which milk or cream is delivered, for the purpose of canning, drying, manufacturing, preparing and/or packaging for market, or for use in producing or manufacturing a product of milk and/or cream;

"Producer." (g) The term "producer" shall include every person who produces milk from cows or goats and thereafter sells the same for human or animal food, medicinal or industrial uses.

Dairy products commission.

SEC. 3. There is hereby created a Washington State Dairy Products Commission to be thus known and designated.

Members.

The commission shall be composed of five practical dairy products producers. The Director of Agriculture and the Supervisor of the Division of Dairy and Livestock of the State of Washington shall be ex-officio members of the commission without vote.

Qualifications.

The five members of the commission shall be citizens and residents of the State of Washington over the age of twenty-five (25) years, each of whom has been and is actually engaged in producing dairy products within the State of Washington for the last five (5) years past.

Term of office.

The qualification of members of the commission as herein set forth must continue during their term of office. The regular term of office of members of the commission shall be three (3) years from the date of appointment and until their successor is appointed and qualified. The term of office of the first members shall terminate on June 1, 1942.

The Governor of the State of Washington shall immediately after this act becomes effective, appoint five (5) men with the qualifications stated above, to be members of said commission.

Governor to appoint.

A majority of the regular members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

Quorum.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of ten dollars (\$10.00) per day for each day spent in actual attendance on meetings of the commission together with subsistence and traveling expenses at the rate allowed by law to state employees.

Compensation.

SEC. 4. That the Washington State Dairy Products Commission shall be, and it is, hereby declared and created a corporate body. It shall have power to sue and be sued; to contract and be contracted with; it shall have and possess all the powers of a corporation. The commission shall adopt a corporate seal. Copies of the proceedings, records, and acts of the commission, when certified by the secretary and authenticated by the corporate seal, shall be admissible in evidence in all courts of this state, and shall be prima facie evidence of the truth of all statements therein.

Corporate body.

SEC. 5. The commission shall elect a manager whose compensation shall be fixed by the commission: *Provided*, That no member of the above commission shall be eligible to appointment as manager.

Manager.

SEC. 6. The commission shall appoint a secretary-treasurer, who shall sign all vouchers, and receipt for all moneys received by the commission. The treasurer shall file with the commission a fidelity bond executed by a surety company authorized to do business in this state in favor of the commission and the State of Washington, jointly

Secretary-treasurer.

and severally, conditioned for the faithful performance of his duties, and the strict accounting of all funds to the commission and the State of Washington in the penal sum of twenty thousand dollars (\$20,000).

Liability of state.

SEC. 7. The State of Washington shall not be liable for the acts of said commission or its contracts. All persons employed and all persons contracting under the act shall be limited to the funds collected under the provisions of this act, and no member of the commission or any employee or agent thereof shall be liable on the contracts of the commission. All salaries, expenses, costs, obligations, and liabilities incurred by said commission shall be payable only from funds collected under the provisions of this act.

Powers and duties of commission.

SEC. 8. The powers and duties of the commission shall include the following:

(1) To elect a chairman and from time to time such other officers as it may deem advisable, and to adopt and from time to time alter, rescind, modify and amend all proper and necessary rules, regulations and orders for the exercise of its power and the performance of its duties, which said rules, regulations and orders shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce this act and do and perform all acts and exercise all powers reasonably necessary to effectuate the purpose of this act;

(3) To employ and at its pleasure discharge a manager and secretary-treasurer, and such attorneys, clerks and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur any and all expenses and to enter into any and all contracts

and agreements and to create such liabilities as may be reasonable for the proper administration and enforcement of this act;

(5) To investigate and prosecute violations of this act;

(6) To conduct scientific research to develop and/or discover the health, food, therapeutic, dietetic, and industrial uses for products of milk or its derivatives;

(7) To employ and at its pleasure discharge advertising counsel, advertising agency, agents, and such other help as it deems necessary, and to outline their powers and duties and fix their compensation;

(8) To make in the name of the commission such advertising contracts and other agreements as may be necessary, to promote the sale of dairy products on either a state or national basis;

(9) To keep accurate books, records, and accounts of all of its dealings, which books, records and accounts shall be open to inspection and audit by the regular agencies of the State of Washington as by statute provided.

SEC. 9. (a) There is hereby levied and imposed upon all butter fat in milk and/or cream produced in the State of Washington during the fiscal year beginning on the effective date of this act, and annually thereafter, an assessment not to exceed one-fifth ($\frac{1}{5}$) of one cent (1¢) per pound, the minimum payment on any delivery of butter fat in milk or cream to be one cent (1¢). All untested milk or cream purchased by bulk and not tested for butter fat contentum or weight shall be deemed to weigh and test as follows: milk, eight and six-tenths pounds (8.6) per gallon; butter or milk fat content, four per cent (4%); cream, eight (8) pounds per gallon; butter or milk fat content, thirty per cent (30%), and any fractional or greater

Assessment
levied.

measurements shall be on above basis. The amount to be assessed shall be determined by the commission and shall be determined according to the necessities to effectuate the purposes of this act: *Provided, however,* That the provisions of this section shall not apply to milk and cream used upon the farm or home where produced but will apply where marketed either in bulk or package;

(b) All money assessed under this act shall be collected by the first dealer; the moneys so collected shall be deducted from the amount due the producer of the milk and/or cream, and all moneys so collected be paid to the treasurer of the commission on or before the 20th day of the succeeding month for the previous month's collections and deposited in a bank or banks designated by the commission to the credit of the commission fund. If any dealer shall fail to remit any moneys so collected, or fail to make deductions for assessments herein provided, it shall in addition to penalties provided in this act constitute a lien on any property owned by him, and shall be reported to the County Auditor by the commission, supported by the proper and conclusive evidence and collected in the manner prescribed for the collection of delinquent taxes.

Dealer or shipper of dairy products to keep record of butter fat content.

SEC. 10. Every dealer or shipper of dairy products shall keep a complete and accurate record of all butter fat in milk and/or cream bought, handled, processed, manufactured or distributed by him. Such record shall be in such form and contain such information as the commission shall by regulation or rule prescribe. Such records shall be preserved by such handler, processor, manufacturer, dealer, distributor or shipper for a period of two (2) years, and shall be offered and submitted for inspection at any time upon written or oral request or demand

by the commission or its duly authorized agent or employee.

SEC. 11. Every dealer and shipper shall at such Return filed. times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, distributed, shipped, and butter fat content of all milk and/or cream delivered to or purchased by such person from the various producers of dairy products or their agents in the State of Washington during the period or periods of time prescribed by the commission.

SEC. 12. All assessments levied and imposed by this act shall be due and payable before any milk or cream is shipped out of this state. No milk and/or cream shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until such assessment has been paid to the commission and official receipt issued. Assessments due and payable, when.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as dairy products advertising stamps to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents on all shipments of milk and/or cream shipped from the State of Washington to any other state in the United States, or territory, the District of Columbia, or foreign country. Any such stamps shall be immediately cancelled by the dealer upon being so attached or fixed, and date of cancellation shall be placed on such stamps. Collections.

SEC. 13. That in order to adequately advertise Washington dairy products in the domestic and national markets and to make such advertising as Advertisement of Washington dairy products.

extensive as public interest and necessity require, and to put into force and effect the policy of the State of Washington by this act intended, it is the duty of the commission to provide for and conduct a comprehensive and extensive research advertising and educational campaign, and to keep such advertising and education as continuous as the production, sales, and market conditions reasonably require. The commission shall investigate and ascertain the needs of the dairy products, producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from the maximum assessment of one-fifth ($\frac{1}{5}$) of one cent (1¢) per pound butter fat provided in section 9 is more than adequate to accomplish the purposes and objects of this act, it shall file a request with the Director of Agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest, convenience and the State of Washington require to accomplish the objects and purposes of the act, the commission shall decrease the assessment to a sum that the commission shall determine adequate to affectuate the purposes of this act, but in no case shall any assessment exceed the amount provided in section 9 of this act: *And provided further*, That no such change shall be made in rate of assessment until the commission shall have filed with the Director of Agriculture a full report of such investigations and findings. Such change in assessment shall be effective thirty (30) days after such report is filed.

Change in
amount of
assessment.

SEC. 14. Any person who shall violate or aid in the violation of any provision of this act shall be guilty of a gross misdemeanor. Penalty for violation of act.

SEC. 15. The several Superior Courts of the State of Washington are hereby vested with jurisdiction to enforce this act and to prevent and restrain violations thereof. Jurisdiction of courts.

SEC. 16. That it shall be the duty of all state and county law enforcement officers and all employees and agents of the Department of Agriculture to enforce this act. Enforcement of act.

SEC. 17. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this act. Liberal construction.

SEC. 18. Every rule, regulation or order promulgated by the commission shall be filed with the Director of Agriculture of the State of Washington, and shall be published in two legal newspapers, one east of the Cascade Mountains, and one west thereof, within ten (10) days after its promulgation; and such rules, orders, or regulations shall become effective ten (10) days after such filing and publication. Rules filed and published.

SEC. 19. The commission through its authorized agents, shall have the right to inspect the premises, books, records, documents, and all other instruments of any carrier, railroad, truck, boat, handler, dealer, manufacturer, processor or distributor of dairy products for the purpose of enforcing this act and the collection of the assessment provided for in section 9 hereof. Inspection.

Passed the House March 3, 1939.

Passed the Senate March 2, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 220.

[S. H. B. 242.]

HONOR CAMPS.

AN ACT authorizing establishment and operation of conservation camps for certain inmates confined in the Washington state penitentiary and the Washington state reformatory; providing compensation for inmates transferred to such camps; making an appropriation; and declaring an emergency.

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

Authority to
establish
honor camps.

SECTION 1. The Director of Finance, Budget and Business, hereinafter referred to as the director, with the cooperation of the Director of the Department of Conservation and Development and the Commissioner of Public Lands of the State of Washington, is hereby authorized to establish and operate one or more trusty camps for the inmates of the penitentiary and reformatory who have been ordered transferred to such camps by the Board of Prison Terms and Paroles. Such camps shall be known as honor camps. The Board of Prison Terms and Paroles shall transfer to said camps only those inmates of the penitentiary and reformatory who have served one-third of their minimum sentences and who have been recommended for such transfer by the superintendent of the penitentiary or the reformatory.

Location.

Land
clearing
operations.

No guards or
barricades.

SEC. 2. These camps shall be established on state or county owned lands and inmates transferred thereto shall be employed in the clearing or reforestation of said lands without guards of any kind or barricades, nor shall they be labelled or referred to by number instead of by name, and shall be subject only to rules promulgated by the director: *Provided, however,* That such clearing of lands shall not be construed to mean clearing lands which would ordinarily be cleared in the process of

construction or maintenance of state or county roads.

SEC. 3. The Commissioner of Public Lands, the Director of Conservation and Development and Boards of County Commissioners are authorized and empowered to enter into lease agreements with the Director of Finance, Budget and Business on behalf of the state for such lands, facilities and equipment as may be useful in carrying out the aims and purposes of this act. The said Commissioner of Public Lands, Director of Conservation and Development and Boards of County Commissioners are empowered to accept in full compensation for use of such lands, facilities and equipment the improvements carried out as in this act contemplated.

Lease agreements.

SEC. 4. In so far as may be practicable inmates shall not be transferred to such camps for less than six (6) months nor more than two (2) years and shall be paid at the rate of twenty-five cents (25¢) per day for each day worked, which sum shall be credited to the inmate's account and such inmate shall be permitted to draw not more than one-quarter of the amount earned in any one month at the end of the calendar month. The balance shall be retained and paid to such inmate upon his parole at the rate of one dollar (\$1.00) per day payable in equal monthly installments beginning on the date of release.

Time in camp.

Wages.

Part of wages retained—payment during parole.

SEC. 5. The said camps shall be under the management, control and direction of the Department of Finance, Budget and Business, the same as state institutions, and in all respects subject to the law creating said department and rules and regulations adopted pursuant thereto.

Control and management of camps.

SEC. 6. The director shall appoint a supervisor who shall have immediate charge and control of

Supervisor.

Bond.

the camps and inmates admitted thereto, subject to such rules and regulations as shall be approved by the director. The supervisor shall give a bond to the state in the amount of five thousand dollars (\$5,000) for the faithful performance of his duties. The supervisor may appoint such subordinate officers and employees as shall be necessary for the proper conduct of the camps. The supervisor shall hold his office for such time as the director may deem wise and for the efficiency and economy of the camps, and the director shall fix the salaries of the supervisor and subordinate officers and employees.

Monthly reports.

SEC. 7. The supervisor shall make and forward to the Board of Prison Terms and Paroles monthly reports covering activities of the inmates under his charge and any and all other information required or requested by said board and shall carry into effect any order issued in respect to any inmate by the Board of Prison Terms and Paroles.

Appropriation.

SEC. 8. For the purpose of carrying out the provisions of this act, the following sums or so much thereof as shall be necessary are hereby appropriated from the general fund in the state treasury: For salaries, wages and operations, twenty-five thousand dollars (\$25,000); for paying inmates as provided in section 4 of this act, ten thousand dollars (\$10,000).

Effective April 1, 1939.

SEC. 9. This act is necessary for the support of the state government and its existing public institutions, and shall take effect April 1, 1939.

Passed the House March 3, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 221.

[H. B. 282.]

UNFAIR PRACTICES ACT.

AN ACT relating to unfair competition, discrimination and practices in connection with the sale of certain articles and commodities and the rendering of certain services; defining, prohibiting and making the same unlawful; providing for civil and criminal actions in connection therewith; and prescribing penalties.

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

SECTION 1. As used in this act, words and terms are defined as follows: Definitions.

“Person” includes any person, firm, association, organization, partnership, business trust, company, corporation or municipal or other public corporation; “Person.”

“Sell” includes selling, offering for sale or advertising for sale; “Sell.”

“Give” includes giving, offering to give or advertising for the intent to give; “Give.”

“Article or produce” includes any article, product, commodity, thing of value, service or output of a service trade; “Article or produce.”

“Cost” has its usual meaning and in addition as applied to production includes the cost of raw materials, labor and all overhead expenses of the producer, and as applied to distribution means the invoice cost or replacement cost, whichever is lower, of the article or product to the distributor and vendor plus the cost of doing business by said distributor and vendor; “Cost.”

“Cost of doing business” or “overhead expense” means all costs of doing business incurred in the conduct of such business and must include without limitation the following items of expense: Labor (including salaries of executives and officers), rent, depreciation, selling cost, maintenance of equip- “Overhead expense.”

ment, delivery costs, credit losses, all types of licenses, taxes, insurance and advertising;

"Loss leader."

"Loss leader" means any article or product sold at less than cost as herein defined to induce, promote or encourage, the purchase of other merchandise, or which may have the tendency or capacity to mislead or deceive purchasers or prospective purchasers, or which diverts trade from or otherwise injures competitors;

"Vendor."

"Vendor," in addition to its usual meaning, includes any person who performs work upon, renovates, alters or improves any personal property belonging to another person.

"Ordinary channels of trade."

"Ordinary channels of trade" shall mean those ordinary, regular and daily transactions in the mercantile trade whereby title to an article or product, in no way damaged or deteriorated, is transferred from one person to another, and shall not include sales of bankrupt stocks, closeout goods, dents, sales of goods bought from a business or merchant retiring from business, fire sales and sales of damaged or deteriorated goods, which damage or deterioration results from any cause whatsoever: *Provided*, That this last listing herein shall not be held to be all inclusive but as an example only.

Locality discrimination unlawful.

SEC. 2. It shall be unlawful for any person, engaged in the production, manufacture, distribution or sale of any article or product of general use or consumption, with the intent to destroy the competition of any regular established dealer in such article or product, or to prevent the competition of any person, who in good faith, intends and attempts to become such dealer, to discriminate between different sections of the same community, city, town or village in this state, by selling or furnishing such article or product at a lower price in one such section than in another: *Provided*, That nothing herein contained shall prevent differentials which make allow-

ances for differences, if any, in the grade, quality or quantity when based and justified in the cost of manufacture, sale or delivery, or the actual cost of transportation from the point of production if a raw product or commodity, or from the point of manufacture if a manufactured product or commodity, or from the point of shipment to the point of destination: *Provided further*, That nothing herein contained shall prevent a selection of customers or a functional classification by any person of any customer as broker, jobber, wholesaler or retailer or a differential in price for any article or product as between any customers in different functional classifications. Motion picture films when licensed for exhibition to motion picture houses shall not be deemed to be an article or product under this act. Neither shall anything in this act be deemed to apply to any service, article or product for which rates are established under the jurisdiction of the Department of Public Service of the State of Washington and which are sold or furnished by any public utility corporation, or installation and repair services rendered in connection with any services, article or products; or to any service, article or product sold or furnished by a publicly owned public utility and upon which the rates would have been established under the jurisdiction of the Department of Public Service of the State of Washington if such service, article or product had been sold or furnished by a public utility corporation, or installation and repair services rendered in connection with any such service, articles or products.

Exemptions.

The inhabitation [inhibition] of this act against locality discrimination shall embrace any scheme of special rebates, collateral contracts or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of this section: *Provided, however*, That

nothing in this section shall be construed to prohibit the meeting in good faith of a legal competitive price.

Violations of provisions of act.

SEC. 3. Any person who, either as director, officer or agent of any firm or corporation or as agent of any person, violating the provisions of this act, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts.

In the prosecution of any person as officer, director or agent, it shall be sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts.

Unlawful to give away article or sell as "loss leader."

SEC. 4. It shall be unlawful for any person engaged in business within this state to sell any article or product at less than the cost thereof to such vendor, or give away any article or product, for the purpose of injuring competitors or destroying competition, or to use any article or product as a "loss leader," or in connection with any sale to make or give, or to offer to make or give, any special or secret rebate, payment, allowance, refund, commission or unearned discount, whether in the form of money or otherwise, or to secretly extend to certain purchasers special services or privileges not extended to all purchasers purchasing upon like terms and conditions, or to make or enter into any collateral contract or device of any nature, whereby a sale below cost is effected, to the injury of a competitor, and where the same destroys or tends to destroy competition.

Merchandise purchased at forced sale.

SEC. 5. In establishing the cost of a given article or product to the distributor and vendor, the invoice cost of said article or product purchased at a forced, bankrupt, closeout sale, or other sale outside of the ordinary channels of trade may not be used as a basis for justifying a price lower than one based upon the replacement cost as of date of said sale of

said article or product replaced through the ordinary channels of trade, unless said article or product is kept separate from goods purchased in the ordinary channels of trade and unless said article or product is advertised and sold as merchandise purchased at a forced, bankrupt, closeout sale, or by means other than through the ordinary channels of trade, and said advertising shall state the conditions under which said goods were so purchased, and the quantity of such merchandise to be sold or offered for sale.

SEC. 6. In any injunction proceeding or in the prosecution of any person as officer, director or agent, it shall be sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts; and in any civil or criminal proceeding under this act, where a particular trade or industry, of which the person, firm or corporation complained against is a member, has an established cost survey for the locality and vicinity in which the offense is committed, the said cost survey shall be deemed competent evidence to be used in proving the costs of the person, firm or corporation complained against within the provisions of this act; and in any such action proof of one or more acts of selling or giving away any article or product below cost or at discriminatory prices, together with proof of the injurious effect of such acts, shall be presumptive evidence of the purpose or intent to injure competitors or destroy competition; and in any such action where it is alleged and shown that the person complained against is selling, below his cost of doing business, and said person is including labor at less than the prevailing wage scale in the trade in which such person is engaged for the locality or vicinity in which he is doing business, evidence of such prevailing wage scale shall be admissible to prove the intent or purpose of such person to violate the pro-

Civil or
criminal
proceeding.

visions of this act; or in any such action where it appears that persons are employed or performing services without compensation for any person so complained against, such services shall be charged as an expense of the business in which rendered and at the rate of the wage for the services rendered prevailing at the time of the service at the place where rendered.

Exemptions from act.

SEC. 7. The provisions of this act shall not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such article or product and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation: *Provided*, Notice is given to the public thereof;

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(c) By an officer acting under the orders of any court;

(d) In an endeavor made in good faith to meet the legal prices of a competitor as herein defined selling the same article or product, in the same locality or trade area, and in the ordinary channels of trade as herein defined; or in an endeavor made in good faith by a manufacturer, selling an article or product of his manufacture, in a transaction and sale to a wholesaler or retailer for resale to meet the legal prices of a competitor selling the same or a similar or comparable article or product, in the same locality or trade area and in the ordinary channels of trade as herein defined.

Illegal contracts.

SEC. 8. Any contract, express or implied, made by any person in violation of any of the provisions of this act is declared to be an illegal contract and no recovery thereon shall be had.

SEC. 9. Any person may maintain an action to

enjoin a continuance of any act or acts in violation of any of the provisions of this act and, if injured thereby, for the recovery of damages. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of this act, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant the amount of the actual damages, if any, sustained by him. Commencement, pendency or conclusion of a civil action for injunction and/or damages shall not affect criminal liability.

Injunction
proceedings.

SEC. 10. Violation of the provisions of this act shall constitute a misdemeanor; and any person, whether as principal, agent, officer or director, for himself, or for another person, or for any firm or corporation, or any corporation, who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor for each single violation and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months or by both said fine and imprisonment in the discretion of the court; and any criminal action shall not affect the right of any person to bring a civil action under section 9.

Fine and
imprison-
ment.

SEC. 11. Solicitation by, or collusion or joint participation between any wholesaler, manufacturer, distributor, jobber, contractor, broker, or retailer to violate any of the provisions of this act or the use of any threat, intimidation or boycott to effectuate the violation of the act shall make all persons participating in such solicitation, collusion or joint participation subject to civil or criminal liability under this act.

Collusion.

Presumptive evidence.

SEC. 12. In any civil or criminal action proof of average over-all cost of doing business for any particular inventory period when added to the cost of production of each article or product, as to a producer, or invoice or replacement cost, whichever is lower, of each article or product, as to a distributor, shall be presumptive evidence of cost, and proof of transportation tariffs when fixed and approved by the Department of Public Service of the State of Washington shall be presumptive evidence of delivery cost, as to any article or product involved in any such action.

Institution of actions.

SEC. 13. The Attorney General, in any county in which the Superior Court has jurisdiction, and the Prosecuting Attorneys, in their respective counties in which the Superior Court has jurisdiction, shall have power to institute and maintain an action in the name of the State of Washington to restrain and enjoin any person from performing or continuing the performance of any act or conduct which is prohibited herein.

Partial invalidity.

SEC. 14. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

Purpose of act.

SEC. 15. The Legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented. This act shall be

liberally construed that its beneficial purposes may be subserved.

SEC. 16. This act shall be known and designated as the "Unfair Practices Act."

Passed the House March 8, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 222.

[H. B. 324.]

APPLES.

AN ACT relating to apples; providing for the sale and distribution thereof and the prevention of frauds in such sale and distribution; providing for grades and labels and the issuance of permits; levying assessments and fees and providing for their collection; prescribing penalties; and declaring that this act shall take effect immediately.

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

SECTION 1. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to pack, ship or sell apples unless such apples are sold, packed and graded in compliance with the general rules and regulations made, adopted and promulgated from time to time by the Director of Agriculture pursuant to section 4 of chapter 27 of the Laws of 1931 (section 2855 of Remington's Revised Statutes; section 2723 of Pierce's Code). Within sixty (60) days after the taking effect of this act general rules and regulations shall be adopted and promulgated defining and establishing the following grades:

Compliance with rules and regulations.

Grades.

- (a) Extra fancy
- (b) Fancy
- (c) C grade
- (d) Culls
- (e) Infested culls.

Containers
to be
labeled.

SEC. 2. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or any other business unit or device to buy, sell, offer or expose for sale, or transport or ship any apples to market or for a market unless such apples have been graded and comply with all requirements as to grade, and if culls, unless each and every container thereof and every label, bill of lading, invoice, memorandum and other document referring to said apples describes and defines them as to their grade, variety and size. Whenever the sale or shipment includes cull apples, the name "culls" shall appear on the top and bottom of any and all containers of such apples and upon any labels placed upon such containers in clear and legible letters at least two and one-half (2½) inches high.

Culls.

Inspection.

SEC. 3. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to ship any apples unless they shall have been theretofore and prior to shipment inspected by the division of horticulture of the Department of Agriculture of the State of Washington and a permit has been obtained by the shipper pursuant to section 2 of chapter 204 of the Laws of 1937 (section 2867 of Remington's Revised Statutes; section 2735 of Pierce's Code).

Permit.

Reinspection
of culls.

SEC. 4. In the event that upon inspection any apples are determined by said division of horticulture to be culls, they shall thereupon be re-inspected and carefully analyzed with reference to disease and infestation, and for such re-inspection a fee of one dollar (\$1.00) per ton shall be paid. If such apples are found free from infestation or disease, a certificate shall thereupon be issued to the shipper so certifying. The said fee of one dollar (\$1.00) shall be used by the division of horticulture to pay the cost and expense of such inspection and certification and to enforce the terms of this act.

Fee.

SEC. 5. No permit shall be issued under section 2 of chapter 204 of the Laws of 1937 (section 2867 of Remington's Revised Statutes; section 2735 of Pierce's Code) nor shall any certificate be issued under this act for the shipment of culls, unless there has been first paid to the division of horticulture for the Washington State Apple Advertising Commission the assessment provided in chapter 195 of the Laws of 1937 (section 2874-1 to section 2874-19, inclusive, of Remington's Revised Statutes; section 6729-101 to section 6729-119, inclusive, of Pierce's Code), and in addition thereto the assessment provided in section 7 of this act.

Payment of
assessment.

SEC. 6. It shall be unlawful for any person, firm, corporation, trust, association, co-operative or other business unit or device to ship or otherwise transport out of the area of production cull apples except to processing plants for processing purposes unless such culls are packed in one-bushel wooden baskets, ring faced and the baskets lidded. The apples in the ring face shall be representative of the size and quality of the apples in the container.

Shipment
of culls.

SEC. 7. There is hereby levied upon each and every basket of culls hereafter shipped or transported within the State of Washington an assessment of five cents (5¢) per basket, which assessment shall be paid to the Washington State Apple Advertising Commission prior to the commencement of shipment or transportation. Such five cents (5¢) per basket shall be used by the Washington State Apple Advertising Commission for the purpose of conducting research to establish further and additional uses for apples and particularly cull apples.

Assessment
of culls.

SEC. 7-A. Nothing in this act shall apply to the shipment of apples to a by-products or processing factory for the purpose of processing or manufacturing of by-products.

By-products
or processing
factories.

Penalty.

SEC. 8. Any person, firm, corporation, trust, association, co-operative, or other business unit or device which violates any provision of this act shall be guilty of a gross misdemeanor.

Partial
invalidity.

SEC. 9. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this act.

The Legislature hereby declares that it intended to pass each section and sub-section of this act irrespective of every other section or sub-section, sentence, clause or phrase hereof, and instructs all courts that such is its intention, and that such intention shall be given effect.

Effective
immediately.

SEC. 10. This act is necessary for the immediate preservation of public health, for the preservation of the apple industry and of the apple producing areas, and for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 223.

[H. B. 450.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes, for the fiscal biennium beginning April 1, 1939, and ending March 31, 1941, except as otherwise provided, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1939, and ending March 31, 1941, except as otherwise provided.

SEC. 2. The words "capital outlay" whenever used in this act, shall mean and include the purchase and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

Appropriation.

"Capital outlay."

"Salaries and wages."

The words "salaries and wages" whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state, including salaries of state examiners.

"Operations."

The word "operations" whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and

Scrip books.

wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery: *And provided further*,

Officers and employees, subsistence and lodging.

That allowances made for subsistence and lodging for elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor, but shall not exceed four dollars (\$4.00) per diem for meals and lodging: *And provided further*,

Compensation for personal automobiles.

That the sole compensation for personal automobiles used in connection with state business shall not exceed four cents (4¢) per mile.

FROM THE GENERAL FUND.

Governor.	FOR THE GOVERNOR'S OFFICE:		
	Salaries, Wages and Operations..	\$45,000.00	
	Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor	16,000.00	
	Extradition Expenses (including Deficiencies)	12,000.00	
	Total	<hr/>	\$73,000.00
Governor's mansion.	FOR THE GOVERNOR'S MANSION:		
	Maintenance, to be distributed on vouchers approved by the Governor.....		\$12,000.00

FOR THE LIEUTENANT-GOVERNOR:

Lieutenant
Governor.

Salary of the Lieutenant Governor	\$2,400.00	
Other Salaries and Wages.....	1,200.00	
Operations	1,200.00	
Total	<hr/>	\$4,800.00

FOR THE SECRETARY OF STATE:

Secretary
of State.

Salaries and Wages.....	\$66,000.00	
Salary—For collection of Delinquent Corporation fees and taxes	8,000.00	} Vetoed.
Operations	29,000.00	
Checking, Printing, Advertising and Mailing Initiative and Referendum Measures and Constitutional Amendments: <i>Provided, That no portion of this appropriation shall be expended for salaries of regular employees or office expense of the Secretary of State.....</i>	50,000.00	
Bureau of Statistics and Immigration: Salaries, Wages and Operations	10,000.00	
Total	<hr/>	\$163,000.00

FOR THE STATE TREASURER:

State
Treasurer.

Salaries and Wages.....	\$68,000.00	
Operations	19,000.00	
Audit by Division of Budget.....	5,000.00	
Total	<hr/>	\$92,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$25,000.00	
Operations	5,750.00	
Total	<hr/>	\$30,750.00

FROM THE FISHERIES FUND.

Salaries and Wages.....	\$16,000.00	
Operations	7,500.00	
Total	<hr/>	\$23,500.00

FROM THE GENERAL FUND.

FOR THE STATE AUDITOR:

State
Auditor.

Salaries and Wages.....	\$68,000.00	
Operations	7,500.00	
Special Printing	3,500.00	
Departmental Audits: Salaries and Wages.....	37,000.00	
Operations	10,000.00	
Total	<hr/>	\$126,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$22,000.00	
Operations	7,000.00	
Audit, Department of Highways:		
Salaries and Wages.....	9,480.00	
Operations	5,000.00	
Total	<u> </u>	\$43,480.00

FROM THE GENERAL FUND.

Division of
Municipal
Corporations.

Division of Municipal Corporations:		
Salaries and Wages.....	\$24,000.00	
Operations	6,000.00	
Total	<u> </u>	\$30,000.00

Attorney
General.

FOR THE ATTORNEY GENERAL:		
Salaries and Wages.....	\$95,000.00	
Operations	19,000.00	
Printing Briefs, Court Costs, and Expenses of Litigation in Fed- eral Courts, Other than Salaries and Wages	35,000.00	
Indexing Session Laws.....	450.00	
Total	<u> </u>	\$149,450.00

FROM THE CURRENT SCHOOL FUND.

Superinten-
dent of
Public
Instruction.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
Salaries and Wages.....	\$70,500.00	
Operations	28,600.00	
To Publish the Washington State Manual and Other Publications required by law.....	5,000.00	
Total	<u> </u>	\$104,100.00

FROM THE GENERAL FUND.

State library.

State Library:		
Salaries, Wages and Operations.....		\$30,000.00

Commis-
sioner of
Public
Lands.

FOR THE COMMISSIONER OF PUBLIC LANDS:		
Salaries and Wages.....	\$166,000.00	
Operations	78,000.00	
Total	<u> </u>	\$244,000.00

Insurance
Commis-
sioner.

FOR THE INSURANCE COMMISSIONER:		
Salaries and Wages.....	\$163,000.00	
Operations	58,000.00	
Total	<u> </u>	\$221,000.00

FOR LEGISLATIVE EXPENSE:		Legislative expense.
Printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public documents of the Twenty-sixth Session	\$20,000.00	
Indexing Senate and House Journals	1,000.00	} Vetoed.
Total	<u>21,000.00</u>	
FOR THE SUPREME COURT:		Supreme Court.
Salaries and Wages.....	\$223,040.00	
Operations	21,525.00	
Total	<u>244,565.00</u>	
FOR THE STATE LAW LIBRARY:		State Law Library.
Salaries and Wages.....	\$15,750.00	
Operations	12,235.00	
Total	<u>27,985.00</u>	
FOR THE JUDICIAL COUNCIL:		Judicial Council.
Salaries, Wages and Operations.....	\$2,500.00	
FOR THE UNIFORM LAW COMMISSION:		Uniform Law Commission.
Operations	\$500.00	
FOR THE SUPERIOR COURT JUDGES:		Superior Court Judges.
Salaries and Wages.....	\$263,000.00	
Expenses, Judges in Joint Districts	5,700.00	
Total	<u>268,700.00</u>	
FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		Association of Superior Court Judges.
Operations	\$2,000.00	
FOR THE JUDGES' RETIREMENT FUND:		Judges Retirement Fund.
To be expended in accordance with the provisions of chapter 229, Laws of 1937.....	\$16,200.00	
FROM THE GENERAL FUND.		
FOR THE STATE ATHLETIC COMMISSION:		State Athletic Commission.
Salaries and Wages.....	\$6,300.00	
Operations	3,500.00	
Total	<u>9,800.00</u>	
FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:		State Board for Certification of Librarians.
Operations	\$300.00	

FROM THE CURRENT SCHOOL FUND.

State Board of Education.	FOR THE STATE BOARD OF EDUCATION:		
	Salaries and Wages.....	\$10,000.00	
	Operations	2,000.00	
	Total	<u> </u>	\$12,000.00

State Board for Vocational Education.	FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:		
	Salaries and Wages (including Deficiencies)	\$20,135.00	
	Operations (including Deficiencies)	7,075.00	
	To secure Federal Vocational Rehabilitation Fund (Expenditures not to exceed amounts expended from appropriation for Civilian Vocational Rehabilitation)	64,342.30	
	Total	<u> </u>	\$91,552.30

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and February 5, 1929, and Acts amendatory or supplementary thereto, providing for the promotion and development of vocational education (including Deficiencies).....	\$518,372.90	
To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation.....	64,342.30	
Total	<u> </u>	\$582,715.20

FROM THE GENERAL FUND.

Board of Pharmacy.	FOR THE STATE BOARD OF PHARMACY:		
	Salaries and Wages.....	\$9,500.00	
	Operations	8,000.00	
	Total	<u> </u>	\$17,500.00

FROM THE PUGET SOUND PILOTAGE FUND.

FOR THE STATE BOARD OF PILOTAGE		Board of Pilotage Commis- sioners.
COMMISSIONERS:		
Salaries and Wages.....	\$3,500.00	
Operations	2,500.00	
Total	—————	\$6,000.00

FROM THE GENERAL FUND.

FOR THE BOARD OF PRISON, TERMS AND PAROLES:		Board of Prison, Terms and Parole.
Salaries and Wages.....	\$76,000.00	
Operations	28,000.00	
Total	—————	\$104,000.00
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Salaries and Wages.....	\$7,500.00	
Operations	2,500.00	
Total	—————	\$10,000.00
FOR THE STATE FINANCE COMMIT- TEE:		Finance Committee.
Salaries, Wages and Operations.....	\$11,440.00	

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:		Parks Committee.
Salaries, Wages and Operations.....	\$175,000.00	
<i>(Provided, That the expenditures herefrom shall not exceed receipts to the Parks and Parkway Fund.)</i>		

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

Improvement, Maintenance and Upkeep of Millersylvania Park	\$400.00
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FROM THE GENERAL FUND.

FOR THE STATE FOREST BOARD:		Forest Board.
Salaries, Wages and Operations.....	\$500.00	
FOR THE WASHINGTON STATE PLAN- NING COUNCIL:		State Plan- ning Council.
Salaries, Wages and Operations.	\$40,000.00	
Printing Maps and Other Publi- cations	2,000.00	
Total .....	—————		$42,000.00

FROM THE TEACHERS' RETIREMENT FUND.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:		Teachers' Retirement System.
Salaries and Wages.....	\$28,000.00	
Operations	5,000.00	

For the Payment of Annuities, Awards and Refunds as pro- vided by law.....	\$1,077,600.00	
Total		\$1,110,600.00

FROM THE GENERAL FUND.

Washington State Progress Commission.	FOR THE WASHINGTON STATE PROGRESS COM- MISSION:		
	Salaries, Wages and Operations.....	\$250,000.00	
Agriculture.	FOR THE DEPARTMENT OF AGRICUL- TURE:		
	Salaries and Wages.....	\$170,000.00	
	Operations	111,000.00	
	Destruction of Predatory Animals	20,000.00	
	Washington State Fair:		
	Salaries, Wages and Operations (including Deficiencies)....	7,500.00	
	Total		\$308,500.00

FROM THE FEED AND FERTILIZER FUND.

Salaries and Wages.....	\$15,000.00	
Operations	10,000.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected.)		
Total		\$25,000.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and Wages.....	\$200,000.00	
Operations	35,000.00	
Grain Warehouse Inspection:		
Salaries and Wages.....	9,000.00	
Operations	9,500.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected.)		
Total		\$253,500.00

FROM THE COMMISSION MERCHANTS' FUND.

Salaries, Wages and Operations.....	\$75,000.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected.)		

FROM THE NURSERY INSPECTION FUND.

Salaries and Wages.....	\$10,000.00	
Operations	10,000.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected.)		
Total		\$20,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Salaries and Wages.....	\$88,000.00
Operations	32,000.00
Water Pollution Studies:	
Salaries, Wages and Operations	2,500.00
Soil Surveys	25,000.00

Conservation and Development.

Forestry Division:

Salaries and Wages.....	150,000.00
Operations	65,000.00
<i>(Provided, That the Supervisor of Forestry may purchase gasoline, oil and tires, and pay for repairs in lieu of mileage allowances for use of personally owned cars for Fire Wardens, such expenditures not to exceed Four Cents per mile traveled.)</i>	

Forestry Division.

Total \$362,500.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:

Salaries and Wages.....	\$8,000.00
Operations	4,500.00
Natural Resources Surveys....	50,000.00
Columbia Basin Activities....	20,000.00
To finance, refinance and purchase bonds of irrigation, diking and drainage districts as provided by law.....	250,000.00

Reclamation Division.

(Expenditures from Reclamation Revolving Fund not to exceed cash on hand and available for expenditure.)

Total \$332,500.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

Finance, Budget and Business.

General Office including Division of Public Institutions and Division of Purchasing:

Salaries and Wages.....	\$156,000.00
Operations	26,000.00

Division of Banking:

Salaries and Wages.....	71,000.00
Operations	21,500.00

Banking.

Budget.	Division of Budget:		
	Salaries and Wages.....	60,000.00	
	Operations	14,000.00	
Savings and Loan.	Division of Savings and Loan Associations:		
	Salaries and Wages.....	40,000.00	
	Operations	15,000.00	
Capitol buildings and grounds.	Capitol Buildings and Grounds:		
	Salaries and Wages.....	240,000.00	
	Operations	150,000.00	
Parole, transportation and deportation.	Parole, Transportation and Deportation:		
	Salaries and Wages.....	53,000.00	
	Operations	45,000.00	
	Total		\$891,500.00

FROM THE FISHERIES FUND.

Fisheries.	FOR THE DEPARTMENT OF FISHERIES:		
	Salaries and Wages.....	\$255,000.00	
	Operations	135,000.00	
	Biological Research and Water Pollution Studies	50,000.00	
	Improvement and Protection of Oyster Reserves	10,000.00	
	(Provided, That expenditures herefrom shall not exceed receipts to Fisheries Fund.)		
	Total		\$450,000.00

FROM THE LEWIS RIVER HATCHERY FUND.

	Salaries and Wages.....	\$17,920.00	
	Operations	5,290.00	
	Total		\$23,210.00

FROM THE GAME FUND.

Game.	FOR THE DEPARTMENT OF GAME:		
	Salaries and Wages.....	\$615,000.00	
	Operations and Game Disease Research	532,000.00	
	Bounties on Predatory Animals (Expenditures not to exceed receipts from sale of big game seals)	75,000.00	
	Wild Life Restoration and Research (Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal Government)	210,000.00	
	Total		\$1,432,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:		Health.
Salaries and Wages.....	\$122,500.00	
Operations	71,000.00	
For Public Health Work (Expenditures not to exceed amounts received and credited to General Fund from the Federal Government for Public Health Work)	453,139.70	
For Stream Pollution Studies....	6,000.00	
Total	<u> </u>	\$652,639.70
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		Labor and Industries.
Salaries and Wages.....	\$350,000.00	
Operations	153,500.00	
Total	<u> </u>	\$503,500.00

FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$333,080.00	
Operations	92,500.00	
Claims and Awards and Other Expenses provided by law....	2,000,000.00	
Total	<u> </u>	\$2,425,580.00

FROM THE ACCIDENT FUND.

Claims and Awards and Other Expenses provided by law.....	\$8,500,000.00	
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF LICENSES:		Licenses.
Salaries and Wages.....	\$80,000.00	
Operations	65,000.00	
Total	<u> </u>	\$145,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$255,000.00	
For Auditing in conjunction with Fuel Oil and Gas Tax Collection	35,000.00	
Operations	285,000.00	
Liquid Fuel Tax Refunds.....	3,200,000.00	
Total	<u> </u>	\$3,775,000.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$73,140.00	
Operations	116,250.00	
Total	<u> </u>	\$189,390.00

FROM THE GENERAL FUND.

Military
department.

FOR THE MILITARY DEPARTMENT:

Salaries and Wages.....	\$217,000.00	
Operations	159,000.00	
Uniform Allowance	30,000.00	
Retained Pay	42,000.00	
Medical Aid and Compensation for Enlisted Members Injured in Line of Duty.....	9,500.00	
Total		\$457,500.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

Public
Service.FOR THE DEPARTMENT OF PUBLIC
SERVICE:

Salaries and Wages.....	\$440,000.00	
Operations	225,000.00	
(Expenditures not to exceed fees heretofore and hereafter collected.)		
Total		\$665,000.00

FROM THE GENERAL FUND.

Social
Security.

FOR THE DEPARTMENT OF SOCIAL

SECURITY:

General Supervision:

Salaries and Wages.....	\$587,900.00
Operations	261,000.00

Division of Old Age Assistance:

Salaries, Wages, Operations and Assistance as Provided by Law: <i>Provided</i> , That ex- penditures for salaries, wages and operations shall not ex- ceed five per cent (5%) of the total amount expended for old age assistance.....	24,000,000.00
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Division of Public Assistance:

Salaries and Wages.....	248,000.00
Operations	289,800.00
Assistance as Provided by Law	5,750,000.00

Division for Children:

Salaries and Wages.....	495,000.00
Operations	150,900.00
Assistance as Provided by Law	2,552,779.00

Division for the Blind:

Salaries and Wages.....	50,000.00
Operations	41,450.00
Assistance as Provided by Law	482,580.00

Sub-total\$34,909,409.00

Expenditures from the following appropriations to be limited to amounts received or to be received from the Federal Government, and credited to the General Fund under the respective categories of assistance:

Assistance as Provided by Law:

Division of Public Assistance..	\$2,000,000.00
Division for Children.....	2,100,000.00
Division for the Blind.....	370,000.00

Sub-total	\$4,470,000.00
Total Department of Social Security.....	\$39,379,409.00

FROM THE HIGHWAY SAFETY FUND.

FOR THE WASHINGTON STATE PATROL:

Salaries and Wages.....	\$905,860.00
Operations (including Deficiencies)	789,750.00
Installation and Maintenance of Teletype System	65,000.00
Total	<u>1,760,610.00</u>

Washington State Patrol.

} Vetoed.

FROM THE GENERAL FUND.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

General Office:

Salaries and Wages.....	\$90,000.00
Operations	23,000.00

Administration of Revenue Act of 1935:

Salaries and Wages.....	650,000.00
Operations	230,000.00

Inheritance Tax and Escheat Division:

Salaries and Wages.....	42,000.00
Operations	10,000.00

Inheritance Tax and Escheat Division.

Refund of Taxes, Costs, Penalties, Interest and Redemption of Tokens as provided by chapter 191, Laws of 1933, and chapter 180, Laws of 1935, and all laws amendatory thereto.....

2,000,000.00	
Total	<u>\$3,045,000.00</u>

FROM THE GENERAL FUND.

	FOR THE DEPARTMENT OF FINANCE,		
	BUDGET AND BUSINESS:		
Finance, Budget and Business.	State School for the Blind:		
	Salaries and Wages.....	\$83,000.00	
School for Blind.	Operations	57,000.00	
	Total		\$140,000.00
Custodial School.	State Custodial School:		
	Salaries, Wages and Operations.....		\$710,000.00
	State School for the Deaf:		
	Salaries and Wages.....	\$93,000.00	
	Operations	75,000.00	
	Total		\$168,000.00
Eastern State Hospital.	Eastern State Hospital:		
	Salaries, Wages and Operations.....		\$995,000.00
School for Girls.	State School for Girls:		
	Salaries and Wages.....	\$68,160.00	
	Operations	71,360.00	
	Total		\$139,520.00
Northern State Hospital.	Northern State Hospital:		
	Salaries, Wages and Operations.....		\$1,005,442.00
Penitentiary.	Washington State Penitentiary:		
	Salaries and Wages.....	\$235,000.00	
	Operations	540,000.00	
	Total		\$775,000.00

FROM THE PENITENTIARY REVOLVING FUND.

	Industrial Operations:		
	Salaries and Wages.....	\$47,460.00	
	Operations	393,700.00	
	Total		\$441,160.00

FROM THE GENERAL FUND.

Reformatory.	Washington State Reformatory:		
	Salaries and Wages.....	\$158,260.00	
	Operations	287,675.00	
	Total		\$445,935.00

FROM THE REFORMATORY REVOLVING FUND.

	Industrial Operations:		
	Salaries and Wages.....	\$27,860.00	
	Operations	79,190.00	
	New Industries.....	50,000.00	
	Total		\$157,050.00

FROM THE GENERAL FUND.

Soldiers' Home and Colony.	State Soldier's Home and Colony:		
	Salaries and Wages.....	\$81,560.00	
	Operations	137,680.00	
	Total		\$219,240.00

State Training School:			Training School.
Salaries and Wages.....	\$91,000.00		
Operations	122,000.00		
Total		\$213,000.00	
Washington Veteran's Home:			Veterans' Home.
Salaries and Wages.....	\$142,120.00		
Operations	218,000.00		
Total		\$360,120.00	
Veterans' Hospital:			} Vetoed.
Salaries and Wages.....	\$59,960.00		
Operations	42,650.00		
Total		\$102,610.00	
Western State Custodial School:			Custodial School.
Salaries, Wages and Operations.....		\$590,350.00	

FROM THE WESTERN STATE CUSTODIAL SCHOOL
REVOLVING FUND.

Industrial Operations:		
Salaries, Wages and Operations.....		\$50,000.00

FROM THE GENERAL FUND.

Western State Hospital:			Western State Hospital.
Salaries, Wages and Operations.....		\$1,380,000.00	

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:			University.
Salaries and Wages.....	\$4,036,416.00		
Operations	607,038.00		
Total		\$4,643,454.00	

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASHINGTON:			State College.
Salaries and Wages.....	\$1,490,397.18		
Operations	565,884.82		
Total		\$2,056,282.00	

FOR THE STATE COLLEGE OF WASHINGTON:

From the Morrill Fund.....	\$100,000.00	
From the Federal Experiment Station Fund	182,713.00	
From the Federal Cooperative Agricultural Extension Fund..	200,492.37	
To be expended in accordance with the purposes, terms, and provisions and conditions of the respective Acts of Congress for the endowment and granting of moneys to Agricultural Colleges and Experiment Stations.		\$483,205.37

FROM THE WASHINGTON STATE COLLEGE FUND.

State
College.

FOR THE STATE COLLEGE OF WASH-
INGTON:

For Agricultural Experiment Sta-
tions:

Salaries, Wages and Operations..... \$359,934.50

Provided, That expenditures
herefrom be allocated as fol-
lows:

Main Experiment
Station, Pullman
and Walla Walla. \$78,587.50

Western Washing-
ton Experiment
Station, Puyal-
lup 158,159.00

Irrigation Branch
Station, Prosser. 42,850.00

Tree Fruit Branch
Station, Wenat-
chee 54,145.00

Dry Land Branch
Station, Lind... 16,213.00

Cranberry-Blue-
berry Branch
Station, Ilwaco. 9,980.00

For Agricultural Extension Work:
Salaries and Wages..... \$86,815.00

Central
Washington
College of
Education.

FOR THE CENTRAL WASHINGTON COL-
LEGE OF EDUCATION:

From the Normal
School Current Fund \$35,000.00

From the Ellensburg
Normal School Fund 426,000.00

Salaries and Wages..... \$380,000.00

Vetoed.

{

Old Age Annuities, as provided
by chapter 223, Laws of 1937. 19,000.00

Operations 62,000.00

Total \$461,000.00

Eastern
Washington
College of
Education.

FOR THE EASTERN WASHINGTON COL-
LEGE OF EDUCATION:

From the Normal
School Current Fund \$35,000.00

From the Cheney
Normal School Fund 481,000.00

Salaries and Wages..... \$420,000.00

Old Age Annuities, as provided by chapter 223, Laws of 1937	\$21,000.00	} Vetoed.
Operations	75,000.00	
Total	\$516,000.00	

FOR THE WESTERN WASHINGTON COL-
LEGE OF EDUCATION:

Western
Washington
College of
Education.

From the Normal School Current Fund	\$35,000.00	
From the Bellingham Normal School Fund	507,000.00	
Salaries and Wages.....	\$445,000.00	
Old Age Annuities, as provided by chapter 223, Laws of 1937	22,000.00	} Vetoed.
Operations	75,000.00	
Total	\$542,000.00	

FOR CAPITAL OUTLAYS, MAJOR RE-
PAIRS AND MAINTENANCE:

To be expended independently of,
or in conjunction with funds al-
located by the Federal, County
or Municipal Governments or
Agencies or in conjunction with
funds allocated for unemploy-
ment relief: *Provided*, That the
following appropriations shall
become available only upon
written approval of the Gov-
ernor:

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Finance,
Budget and
Business.

Cleaning Exteriors of Buildings;
Painting, and Replacing and
Improving Lighting System,
Sylvester Park

\$10,500.00

Coal Bunkers and Equipment for
Handling Coal and Ashes, Capi-
tol Heating Plant.....

25,000.00

State Custodial School:

Custodial
School.

Capital Outlays, Major Repairs
and Betterments

48,000.00

State School for the Deaf:

School for
Deaf.

Capital Outlays, Major Repairs
and Betterments

79,000.00

Eastern State Hospital:

Eastern State
Hospital.

Capital Outlays, Major Repairs
and Betterments

161,000.00

School for Girls.	State School for Girls: Capital Outlays, Major Repairs and Betterments	\$21,050.00
Northern State Hospital.	Northern State Hospital: Capital Outlays, Major Repairs and Betterments	200,000.00
Penitentiary.	Washington State Penitentiary: Cell House and Equipment.... Materials for Prison Wall.....	272,000.00 15,000.00
Reformatory.	Washington State Reformatory: Capital Outlays, Major Repairs and Betterments	35,000.00
Training School.	State Training School: Administration Building, Offi- cers' Quarters and Equipment	20,000.00
Veterans' Home.	Washington Veterans' Home: Capital Outlays, Major Repairs and Betterments	5,000.00
Custodial School.	Western State Custodial School: Capital Outlays, Farm Build- ings and Equipment.....	485,000.00
Western State Hospital.	Western State Hospital: Capital Outlays, Major Repairs and Betterments	500,000.00

FROM THE FISHERIES FUND.

Fisheries.	FOR THE DEPARTMENT OF FISHERIES: Capital Outlays and Major Re- pairs	55,000.00
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FROM THE LEWIS RIVER HATCHERY FUND.

	Capital Outlays and Major Re- pairs	5,600.00
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FROM THE GAME FUND.

Game.	FOR THE DEPARTMENT OF GAME: Capital Outlays and Major Re- pairs	100,000.00
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FROM THE GENERAL FUND.

Military Department.	FOR THE MILITARY DEPARTMENT: Capital Outlays, Major Repairs and Betterments to Armories..	750,000.00
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FROM THE MOTOR VEHICLE FUND.

Highways.	FOR THE DEPARTMENT OF HIGHWAYS: Capital Outlays, Major Repairs, and Equipment	385,940.00
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FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON:	University.
Completion of Social Science Building and Additions to and/or Remodeling of Laboratories and/or Service Buildings or Equipment.....	\$350,000.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:	
Capital Outlays, Major Repairs, Betterments, Operations and Maintenance, including Salaries and Wages	615,000.00

FROM THE GENERAL FUND.

FOR THE STATE COLLEGE OF WASHINGTON:	State College.
Capital Outlays, including Furniture and Fixtures therefor....	660,000.00

FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.

Capital Outlays, Major Repairs, Betterments and Equipment, including Salaries, Wages and Operations	238,348.00
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FROM THE GENERAL FUND.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:	Central Washington College of Education.
Capital Outlays, Major Repairs and Betterments	25,000.00

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:	Eastern Washington College of Education.
Capital Outlays, Major Repairs and Betterments	200,000.00

FROM THE CHENEY NORMAL SCHOOL FUND.

Capital Outlays, Major Repairs, Equipment and Betterments..	15,000.00
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FROM THE GENERAL FUND.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:	Western Washington College of Education.
Capital Outlays, Major Repairs and Betterments	300,000.00

State Historical Society.	FOR THE WASHINGTON STATE HISTORICAL SOCIETY: Furniture and Equipment.....	\$2,500.00
Eastern Washington State Historical Society.	FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY: Repairs to Museum Building, Electric Wiring and Roof.....	1,200.00
	Total Capital Outlays, Major Repairs and Maintenance. _____	\$5,580,138.00
	FROM THE CAPITOL BUILDING CONSTRUCTION FUND.	
	For Bond Retirement and Interest.....	\$837,500.00
	FROM THE GENERAL FUND.	
Court costs, insanity cases.	For Court Costs in Insanity Cases (including Deficiencies).....	\$5,000.00
Criminal cost bills.	For Criminal Cost Bills (including Deficiencies)	\$50,000.00
	FROM THE CURRENT SCHOOL FUND.	
	To Carry Out the Provisions of Sec. 4935, Remington's Revised Statutes.....	\$34,500,000.00
	<i>(Provided, That of the foregoing appropriation \$700,000.00 or so much thereof as may be necessary shall be used to pay the amounts due and apportionable to school districts, during the months of May, June, July and August, 1939, to carry out the provisions of section 3, chapter 226 of the Laws of 1937.)</i>	
School districts.		
	FROM THE STATE SCHOOL EQUALIZATION FUND.	
	For Distribution to Counties as provided by chapters 226 and 228, Laws of 1937.....	\$2,500,000.00
	FROM THE GENERAL FUND.	
Emergency purposes.	For the Payment of Warrants Drawn for Emergency Purposes Approved During the Biennium April 1, 1939, to March 31, 1941, Pursuant to section 10, chapter 9, Laws of 1925, as Amended by section 6, chapter 162, Laws of 1929.....	\$250,000.00
Firemen's Relief and Pension Funds.	For Distribution to "Firemen's Relief and Pension Funds" as provided by chapter 39, Laws of 1935.....	\$150,000.00

FROM THE FOREST RESERVE FUND.

For Distribution of Moneys received from the Federal Government from Forest Reserves as provided by chapter 185, Laws of 1907 (including Deficiencies)	\$255,998.99	Forest Reserve Fund.
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FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.

For Bond Retirement and Interest.....	\$1,581,460.00
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FROM THE HARBOR IMPROVEMENT FUND.

For Distribution in Accordance with chapters 168, 169 and 170, Laws of 1913, based on receipts.....	\$125,000.00
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FROM THE GENERAL FUND.

For Presidential Electors.....	\$375.00	Presidential electors. Tuberculosis hospitals.
For Tuberculosis Hospitals (including Deficiencies)	\$429,551.25	

FROM THE VETERANS' COMPENSATION BOND RETIREMENT FUND.

For Bond Retirement and Interest.....	\$848,000.00
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION FUND.

For Claims, Awards and Other Expenses Allowed by Law (including Deficiencies)	\$80,000.00
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FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:		State Historical Society.
Salaries and Wages.....	\$12,600.00	
Operations	2,750.00	
Total	\$15,350.00	

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern Washington Historical Society.
Salaries and Wages.....	\$4,800.00	
Operations	5,200.00	
Total	\$10,000.00	

For Transfer to the State Teachers' Retirement Fund (transfers to be made from time to time in Eight (8) Quarterly Installments as needed, in such amounts as the Governor shall determine).....	\$1,000,000.00	Teachers Retirement System.
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FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Reimbursement, general fund.	For the General Fund, to repay the amount loaned from appropriation by chapter 92, Laws of 1935.....	\$84,375.00
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FROM THE CURRENT SCHOOL FUND.

Superintendent of Public Instruction.	FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION: Deficiency, Wages and Operations (To reimburse the General Fund Account Emergency approved March 2, 1937).....	\$1,331.81
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FROM THE STATE ATHLETIC FUND.

Athletic Commission.	FOR THE STATE ATHLETIC COMMISSION: Deficiency, Salaries and Wages (To reimburse the General Fund Account Emergency approved March 2, 1937).....	\$257.30
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FROM THE GENERAL FUND.

Association of Superior Court Judges.	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES: Deficiency, Operations (Emergency approved August 2, 1938).....	\$400.00
Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE: Deficiency, Operations (Emergencies approved January 20, 1937, and September 7, 1938).....	\$1,470.50
Old capitol building.	Deficiency, Modernization and Repairs to Old Capitol Building (Emergency approved September 7, 1938).....	\$15,000.00
Finance Committee.	FOR THE STATE FINANCE COMMITTEE: Deficiency, Salaries, Wages and Operations (Emergency approved May 17, 1938).....	\$1,200.00
Planning Council.	FOR THE WASHINGTON STATE PLANNING COUNCIL: Deficiency, Salaries, Wages and Operations (Emergencies approved January 26, 1938, and October 28, 1938).....	\$13,920.00
Finance, Budget and Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: Capitol Building and Grounds: Deficiency, Operations (Emergency approved March 30, 1937)	\$9,357.89

State School for Deaf:	School for Deaf.
Deficiency, Operations (Emergency approved February 15, 1937)	\$4,945.43
Eastern State Hospital:	Eastern State Hospital.
Deficiency, Salaries, Wages and Operations (Emergency approved February 15, 1937)	\$4,526.27
Deficiency, Construction of Dormitories, Barns and Sheds (Emergency approved January 12, 1937)	\$4,944.56
Deficiency, Construction of Nurses' Home and Equipment (Emergency approved July 11, 1938)	\$4,000.00
Washington State Reformatory:	Reformatory.
Deficiency, Replace Cowbarn, Hay and Equipment, Destroyed by Fire (Emergency approved December 8, 1938)	\$7,500.00
Washington State Penitentiary:	Penitentiary.
Deficiency, Salaries, Wages and Operations (Emergency approved February 15, 1937)	\$11,789.14
Western State Custodial School:	Custodial School.
Deficiency, Expenses for Commission for Purchase of Land (Emergency approved July 2, 1937)	\$617.00
Deficiency, Purchase of Land, Erection of Buildings, etc. (Emergencies approved January 10, 1938, and July 8, 1938)	\$18,000.00
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:	Labor and Industries.
Deficiency, Salaries and Wages (Emergency approved March 30, 1937)	\$1,505.00
FROM THE GAME FUND.	
FOR THE DEPARTMENT OF GAME:	Game.
Bounties on Predatory Animals, Deficiency	\$8,500.00

FROM THE CURRENT SCHOOL FUND.

Vocational education.

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

Deficiency, Salary, Wages and Operations (To Reimburse the General Fund Account Emergency approved February 9, 1939)	\$4,800.00
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Effective immediately.

SEC. 3. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 20, 1939, with the exception of certain items, which are vetoed.

CHAPTER 224.

[H. B. 541.]

PREVENTING UNFAIR TRADE PRACTICES IN APPLE INDUSTRY.

AN ACT relating to the apple industry; providing the public policy of this state; declaring and prohibiting unfair trade practices and preventing frauds; defining terms; providing for certain orders and marketing agreements and the terms thereof; prescribing the powers and duties of the Director of Agriculture and the making of rules and regulations; establishing and delineating the powers and duties of the Washington apple marketing board; providing for the enforcement of this act; prescribing penalties; and declaring an emergency.

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

Apple industry affected with a public interest.

SECTION 1. The present acute economic emergency in the apple industry is, in part, the consequence of the severe and increasing disparity between the prices for which apples can be sold and the increased cost of producing them, which disparity has largely destroyed the purchasing power of

apple growers for industrial products, has broken down the orderly exchange of commodities in apple producing areas, and has seriously impaired those agricultural assets now engaged in producing apples which support the state credit structure; it is therefore declared that these conditions in the basic agricultural industry of producing apples have affected the apple industry with a public interest, have burdened and obstructed commerce in such commodities, and render imperative the immediate enactment of this act.

SEC. 2. It is hereby declared to be the policy of the Legislature:

Legislative
policy.

(a) In the exercise of the public powers of this state, to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of this state;

(b) To foster, encourage and aid the business of producing, handling, selling and distributing the apple crop of this state and the expanding and protection of its market, because such apple crop comprises one of the major agricultural commodities of this state;

(c) To assure the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and to increase wages for agricultural labor, which can be done only by stabilizing the apple industry, enlarging its markets, and increasing the production of apples;

(d) To establish and maintain such balance between the production and consumption of apples and the marketing thereof as will re-establish net prices to producers at a level that will give apples and the apple industry a net purchasing power with respect to articles that are purchased by the producers of apples, equivalent to the net purchasing power of

apples in the base period from August, 1909, to April, 1917;

(e) To approach such equality of purchasing power by a gradual correction of the present inequalities in the apple industry at as rapid a rate as is deemed feasible in view of the current consumptive demand thereof in domestic markets and to increase such consumptive demand and to prevent over-production.

Unfair trade
practices
declared.

SEC. 3. The following are declared to be unfair trade practices and are prohibited:

(a) Selling, contracting to sell, or offering or advertising for sale any apples which are not owned by or mortgaged to the seller or offerer, or which are not included within or covered by a written exclusive agency or power of authority to sell the same, naming said seller or offerer as the agent therein;

(b) Purchasing or dealing in any inferior fruit received from the producer thereof, except such fruit as is handled for the producer upon consignment, the dealer or handler remitting in full all proceeds received from said fruit less only a handling commission of not to exceed ten per cent (10%) of the f. o. b. gross proceeds and less actual expenses properly allocated to such inferior fruit;

(c) Shipping any apples to apple markets except on a definite contract, or to a named consignee for handling on consignment, or to a purchaser on a purchase contract theretofore agreed upon; nothing herein shall apply to shipments to an established apple auction;

(d) Shipping or accepting for shipment or transportation to any point outside the area of production of such fruit, any inferior apples, by any means whatsoever, unless such apples are sorted, graded and packed in an approved container, excepting to approved processors.

The designation of the above named unfair practices shall not be construed to exclude any other practices from being so held to be unfair trade practices.

SEC. 4. As used in this act:

Definitions.

(a) The term "person" shall mean an individual, firm, corporation, trust, association, co-operative or any other business unit, device or arrangement;

"Person."

(b) The terms "handler" or "handle" shall mean any person who engages in, or, the act or operation of shipping, buying, warehousing, storing, preparing for market, acting as sales or purchasing agent, dealer, broker or factor, or distributing agricultural commodities for others or for profit, hire or compensation;

"Handler."

(c) The term "dealer" shall mean and include any person who handles, ships, buys or sells apples, or who acts as sales or purchasing agent, broker or factor of apples;

"Dealer."

(d) The term "processor" shall include every person to whom apples are delivered for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking or for use in producing or manufacturing a product or manufactured article;

"Processor."

(e) "District No. 1" or "first district" shall mean and include the counties of Chelan, Okanogan, Grant and Douglas;

"First district."

(f) "District No. 2" or "second district" shall mean and include the counties of Kittitas, Yakima, Benton, Franklin and Klickitat;

"Second district."

(g) "District No. 3" or "third district" shall comprise all of the State of Washington not included in the first and second districts;

"Third district."

(h) The word "Governor" shall mean the Governor of the State of Washington;

"Governor."

(i) The word "director" shall mean the Director of Agriculture of the State of Washington, or his designated agent;

"Director."

"Marketing agreement."

(j) The words "marketing agreement" shall mean any marketing agreement approved, prescribed or entered into by the director pursuant to the provisions of this act and any rule, regulation or order which the director may adopt, prescribe or promulgate in conformity with the provisions and under the authority of this act;

"Board."

(k) The term "board" shall mean the Washington apple marketing board;

"Inferior fruit."

(l) The term "inferior fruit" shall mean all apples of a grade lower or poorer than "C" grade.

Marketing agreements entered into by Director.

SEC. 5. In order to effectuate the declared policy of this act, the director shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with handlers, producers, associations of producers and others engaged in the producing or handling of apples. The making of any such agreement shall not be held to be in violation of any monopoly or anti-trust law of this state and any such agreement shall be deemed to be lawful: *Provided*, That no such agreement shall remain in force after the termination of this act.

Orders regulating handling of apples.

SEC. 6. The director shall, subject to the provisions of this act, issue and from time to time amend orders applicable to handlers, producers, associations of producers and others engaged in the producing and handling of apples. Such orders shall regulate the producing and handling of apples in the manner hereinafter provided in this act.

Notice and hearing on proposed order.

SEC. 7. Whenever the director has reason to believe that the issuance of an order will tend to effectuate the declared policy of this act, he shall give due notice of and an opportunity for a hearing upon a proposed order.

SEC. 8. After such notice and opportunity for hearing the director shall issue an order if, upon the evidence introduced at such hearing, he finds, and

sets forth in such order, in addition to such other findings as may be specifically required by this act, that the issuance of such order and all of the terms and conditions thereof will tend to effectuate the declared policy of this act. Findings.

SEC. 9. Orders issued pursuant to this act shall contain one or more of the following terms and conditions and, no others, except as provided herein: Contents and conditions.

(a) Limiting, or providing bases for the limitation of, the total quantity of inferior apples of any grade or size marketed or transported during any specified period or periods;

(b) Allotting, or providing methods for allotting, the amount of apples or any grade, size or quality thereof which each handler may purchase from or handle on behalf of any and all producers thereof during any specified period or periods, under a uniform rule based upon the amount sold by the producers of apples in such prior period as the director determines to be representative, or upon the current quantities of apples available for sale by such producers, or both, to the end that the total quantities thereof to be purchased or handled during any specified period or periods shall be apportioned equitably among the producers thereof;

(c) Allotting, or providing methods for allotting, the amount of any apples, or any grade, size or quality thereof which each handler may market or transport to any market under a uniform rule based upon the amount which each such handler has available for current shipment, or upon the amount shipped by each such handler in such period prior thereto as the director determines to be representative, or both, to the end that the total quantity of apples, or any grade, size or quality thereof, to be marketed in or transported, during any specified period or periods, shall be equitably apportioned among all of the handlers thereof.

SEC. 10. Orders may also contain one or more of the following terms and conditions:

(a) Prohibiting unfair methods of competition and unfair trade practices in the handling of apples; and

(b) Providing other terms incidental to and not inconsistent with the terms and conditions specified herein and necessary to effectuate the other provisions of such order.

Marketing
board.

Qualifica-
tions.

SEC. 11. The order or orders provided for in this act shall also provide for the establishment and operation of the Washington Apple Marketing Board to be thus known and designated. The board shall consist of seven (7) practical apple producers and four (4) practical apple handlers. The director, and the Supervisor of Horticulture of the State of Washington shall be ex-officio members of the board without vote. The seven (7) producer members shall be citizens and residents of this state, over the age of twenty-five (25) years, each of whom is and has been actually engaged in growing and producing apples within the State of Washington for a period of five (5) years and has derived the major portion of his income therefrom during said period and shall not be engaged in business, directly or indirectly, as a dealer. The four (4) handlers shall be persons who either individually or as executive officers of a corporation, firm, partnership, association or co-operative organization are and have been actually engaged in handling apples within the State of Washington and are citizens and residents of this state. The qualifications of the members of the board as herein set forth must continue during their terms of office. The regular term of office of the members of the board shall be three years from the date of appointment and until their successors are appointed and qualified. The term of the first members shall terminate on July 1, 1942. The Governor shall, im-

mediately after this act becomes effective, appoint eleven (11) men with the qualifications stated above to be members of said board; three of the grower members shall be appointed from district No. 1; three from district No. 2 and one from district No. 3. Two of the handler members shall be appointed from district No. 1 and two from district No. 2. Due consideration shall be given to men who in the past have been connected with the various attempts to foster and establish co-operative apple marketing, and the Governor shall consider any petition or vote taken by growers recommending individuals for appointment. A majority of the regular members shall constitute a quorum for the transaction of all business and the carrying out of the duties of such board. No member of the board shall receive any salary or other compensation, but each shall receive the sum of ten dollars (\$10.00) per day for each day spent in actual performance of his duties together with traveling expenses at the rate allowed by law to state employees.

SEC. 12. The powers and duties of the board may be defined in any order but shall include only the powers: Powers and
duties.

(1) To administer such order in accordance with its terms and provisions;

(2) To make rules and regulations to effectuate the terms and provisions of such order;

(3) To receive, investigate and report to the director complaints of the violation of such order; and

(4) To recommend to the director amendments to such order. No person acting as a member of the board shall be deemed to be acting in an official capacity, in the meaning of section 26 of this act, unless such person receives compensation for his personal services from funds of this state.

SEC. 13. Except as provided in section 14 of this act, no order issued pursuant hereto shall become ef-

Orders not effective until marketing agreement signed by handlers.

fective until the handlers, excluding co-operative associations of producers who are not engaged in processing, distributing or shipping apples, of not less than fifty per cent (50%) of the volume of apples produced or marketed within this state have signed a marketing agreement, entered into pursuant to section 5 of this act, which regulates the handling of such commodity or product in the same manner as such order: *Provided*, That no order issued pursuant to this section shall be effective unless the director determines that the issuance of such order is approved or favored:

(a) By at least two-thirds ($\frac{2}{3}$) of the producers who, during the representative period determined by the director, have been engaged in this state in the production for market of apples or who, during such representative period, have been engaged in the production of apples for sale in this state.

Refusal to sign agreement.

SEC. 14. Any order issued pursuant to this act shall become effective in the event that, notwithstanding the refusal or failure of handlers, excluding co-operative associations of producers which associations are not engaged in processing, distributing or shipping apples, of more than fifty per cent (50%) of the volume of apples produced or marketed within this state to sign a marketing agreement relating to apples, on which a hearing has been held, the director, with the approval of the Governor, determines:

(a) That the refusal or failure to sign a marketing agreement, upon which a hearing has been held, by the handlers, excluding co-operative associations of producers which associations are not engaged in processing, distributing or shipping apples, of more than fifty per cent (50%) of the volume of apples which are produced or marketed within this state tends to prevent the effectuation of the declared policy of this act with respect to apples; and

(b) That the issuance of such order is the only practical means of advancing the interests of apple growers and the apple industry pursuant to the policy declared in this act, and is approved or favored:

(1) By at least two-thirds ($\frac{2}{3}$) of the producers of apples who, during a representative period determined by the director, have been engaged, within this state, in the production for market of apples or who, during such representative period, have been engaged in the production of apples for sale within this state.

SEC. 15. No order shall be issued under this act unless it regulates the handling or producing of apples in the same manner as, and is made applicable only to persons in the respective classes of industrial or agricultural activity specified in, a marketing agreement upon which a hearing has been held. No order or marketing agreement issued under this act shall contain any provision prohibiting, regulating or restricting the advertising of apples.

Advertise-
ment of
apples.

SEC. 16. Whenever, pursuant to the provisions of this act, the director is required to determine the approval or disapproval of the producers or handlers of apples with respect to the issuance of any order or any terms or conditions thereof, the director shall consider the approval or disapproval of any co-operative association of producers, bona fide engaged in processing, distributing or shipping apples, as the approval or disapproval of a handler. The approval or disapproval of no other co-operative association of producers shall be considered by the director.

Approval or
disapproval
of
cooperative
association of
producers,
to be
considered
by director.

SEC. 17. For the purpose of ascertaining whether the issuance of an order is approved or favored by producers as required under the applicable provisions of this act, the director may conduct a referendum among producers. The requirements of approval or favor under any such provisions shall be held to be complied with if, of the total number of

Referendum.

producers, or the total volume of productions, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of the percentage required under such provision.

Pro rata
share of
expenses.

SEC. 18. Each order issued by the director issued under this act shall provide that each handler or producer subject thereto shall pay to the Washington Apple Marketing Board established under such order, such handler's or producer's pro rata share, as approved by the director, of such expenses as the director may find will necessarily be incurred by the board, during any period specified by him, for the maintenance and functioning of the board, other than expenses incurred in receiving, handling, holding or disposing of any quantity of apples received, handled, held or disposed of by the board for the benefit or account of persons other than handlers or producers subject to such order. The pro rata share of the expenses payable by a co-operative association of producers shall be computed on the basis of the quantity of apples covered by such order which is distributed, processed or shipped by such co-operative association of producers. The board may maintain in its own name, or the names of its members, a suit against any handler or producer subject to an order, for the collection of such handler's or producer's pro rata share of expenses. The several Superior Courts of this state are hereby vested with jurisdiction to entertain such suits.

Action to
collect.

All moneys collected or received shall be expended exclusively to effectuate the purposes and objects of this act.

Board to
appoint
treasurer.

SEC. 19. The board shall appoint a treasurer. All moneys received or collected by the board shall be paid to the treasurer of the board, shall be deposited in such banks as the board may designate and shall be disbursed by order of the board. The trea-

surer shall file with the board a surety bond conditioned for the faithful performance of his duties. None of the provisions of section 1, chapter 133, Laws of 1909 (section 5501, Remington's Revised Statutes) shall be applicable to moneys collected or received under this act.

Surety bond.

SEC. 20. The State of Washington shall not be liable for the acts of said board or its contracts. All persons shall be limited to the funds collected by the board, and no member of the board or any employee or agent thereof shall be liable on the contracts of the board. All salaries, expenses, costs, obligations, and liabilities incurred by said board shall be payable only from the funds collected by the board under this act.

State not liable for acts of board.

Expenses incurred by board.

SEC. 21. (a) The director shall, whenever he finds that any order issued under this act or any provision thereof obstructs or does not tend to effectuate the declared policy of this act, terminate or suspend the operation of such order or such provision thereof.

Termination of order.

(b) The director shall terminate any marketing agreement entered into under section 5 of the act, or any order issued under or pursuant thereto, at the end of the then current marketing period for apples, specified in such marketing agreement or order, whenever he finds that such termination is favored by a majority of the producers of apples who, during the representative period determined by the director, have been engaged in such production for market, within this state, or who, during such representative period, have been engaged in the production of apples for sale within this state: *Provided*, That such majority has, during such representative period, produced for market more than fifty per cent (50%) of the volume of apples produced for market within this state or has, during such period, produced more than fifty per

Termination of marketing agreement.

cent (50%) of the volume of apples sold in this state but such termination shall be effective only if announced on or before such date, prior to the end of the then current marketing period, as may be specified in such marketing agreement or order.

(c) The termination or suspension of any order or amendment thereto or provision thereof, shall not be considered an order within the meaning of this section.

Amendments
to orders.

SEC. 22. The provisions of this act applicable to orders shall be applicable to amendments to orders: *Provided*, That a notice of hearing upon a proposed amendment to any order issued pursuant to this act given not less than three (3) days prior to the date fixed for such hearing shall be deemed due notice thereof.

Director may
require
information
from party
to marketing
agreement.

SEC. 23. (a) All parties to any marketing agreement and all producers or handlers subject to an order, shall severally from time to time at the request of the director or the board, or a duly authorized employee of either, furnish him with such information necessary to enable him to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated the declared policy of this act, and with such information as he finds to be necessary to determine whether or not there has been any abuse of the privilege of exemption from the anti-trust or monopoly law. Such information shall be furnished in accordance with forms of reports to be prescribed by the director or the board. For the purpose of ascertaining the correctness of any report made to the director or the board pursuant to this act, or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, the director or the board, or a duly authorized employee of either, is hereby authorized to examine such books, papers,

records, copies of income tax reports, accounts, correspondence, contracts, documents or memoranda as he deems relevant and which are within the control:

(1) Of any such parties to such marketing agreement, or any such handler or producer, from whom such report was requested; or

(2) Of any person having, directly or indirectly, actual or legal control of or over such person, such party or such handler or producer; or

(3) Of any subsidiary of such party, handler, producer or person.

(b) All information furnished to or acquired by the director or the board pursuant to this section shall be kept confidential by all officers and employees of the State Department of Agriculture and of the board, and only such information so furnished or required as the director deems relevant shall be disclosed by them and then only in a suit or administrative hearings brought at the direction or upon the request of the director or to which he or any officer of the State of Washington is a party and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit:

Information
confidential.

(1) The issuance of general statements based upon the reports of parties to a marketing agreement or of producers or handlers subject to an order, which statement does not identify the information furnished by any person.

SEC. 24. The director may appoint such officers and employees as are necessary to carry out the provisions of this act and is hereby authorized, with the approval of the Governor, to make such regulations and rules and promulgate the same, which rules and regulations shall have the force

Appointment
of personnel.

and effect of law as may be necessary to carry out the powers vested in him by this act.

Rules and regulations filed in office of Governor and published in certain newspapers.

SEC. 25. Every rule, regulation or order promulgated by the director or the Washington Apple Marketing Board under the provisions of this act, shall be filed in the office of the Governor and shall be published in a legal newspaper in Wenatchee and Yakima within five (5) days after its promulgation. Such rule, order or regulation shall become effective five (5) days after such filing and publication.

Officers prohibited from speculating in contracts or apples.

SEC. 26. No person shall, while acting in any official capacity in the administration of this act, speculate, directly or indirectly, in apples or in contracts relating thereto or in the stock or membership interest of any association or corporation engaged in handling, processing or disposing of apples.

Penalty for violation of provisions of order.

SEC. 27. Any producer or handler subject to an order issued under this act, or any officer, director, agent or employee of such producer or handler who violates any provision of such order, or any provision calling for payment of a pro rata share of expenses, shall, on conviction, be guilty of a gross misdemeanor and each day during which such violation shall continue shall be deemed a separate violation: *Provided*, That if the court finds that a petition pursuant to section 28 of this act was filed and prosecuted by the defendant in good faith and not for delay, no penalty shall be imposed under this section for such violation as occurred between the date upon which the defendant's petition was filed with the director and the date upon which notice of the director's ruling thereon was given to the defendant in accordance with regulations prescribed pursuant to section 28.

SEC. 28. (a) Any handler or producer subject to an order may file a written petition with the

director stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with the law and requesting a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition in accordance with regulations made by the director with the approval of the Governor. After such hearing the director shall make a ruling upon the prayer of such petition which shall be final, if in accordance with the law.

Petition for
modification
of order.

(b) The Superior Courts of the State of Washington in any county in which the handler or producer is a resident, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, An appeal for that purpose is filed within twenty (20) days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the director by delivering to him a copy of the notice of appeal and complaint. If the court determines that such ruling is not in accordance with the law, it shall remand such proceedings to the director with directions either:

Court review.

(1) To make such ruling as the court shall determine to be in accordance with the law; or

(2) To take such further proceedings as in its opinion the law requires. The pendency of proceedings instituted pursuant to this section shall not impede, injure or delay the State of Washington or the director from obtaining relief pursuant to section 29 of this act. Any proceedings brought pursuant to such section 29 of this act, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the

same subject matter, instituted pursuant to this section.

Jurisdiction
of Superior
Court.

SEC. 29. The several Superior Courts of the State of Washington are hereby vested with jurisdiction specifically to enforce and to prevent and restrain any person from violating any order, regulation or agreement heretofore or hereafter made, issued or entered into pursuant to this act, in any proceedings now pending or hereafter brought in said court.

Enforcement
of act.

SEC. 30. It shall be the duty of all state and county law enforcement officers and all employees and agents of the Department of Agriculture to enforce this act. It shall also be the duty of the several Prosecuting Attorneys of this state in their respective counties to institute proceedings to enforce the remedies provided for herein, or pursuant to this act. Whenever the director, or such officer or employee of the Department of Agriculture as he may designate for the purpose, has reason to believe that any handler or producer has violated or is violating provisions of any order, agreement or amendment thereto issued pursuant to this title, the director shall have power to institute an investigation and, after due notice to such handler or producer, to conduct a hearing in order to determine the facts for the purpose of referring the matter to the proper Prosecuting Attorney for appropriate action.

Institution of
proceedings.

Remedies.

SEC. 31. The remedies provided for in section 29 shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this act or now or hereafter existing.

Penalty for
violation of
act.

SEC. 32. (a) Any person who shall violate or aid in the violation of any provision of this act shall be guilty of a gross misdemeanor;

(b) Any person who shall violate or aid in the violation of any rule or regulation of the director or of the board shall be guilty of a misdemeanor. Penalty for violation of regulations.

SEC. 33. Any hearing authorized or required under this act shall be conducted by the director or by such officer or employee of the State Department of Agriculture as he may designate for that purpose. Hearings.

SEC. 34. This act shall be liberally construed. If any section, sentence, clause or part of this act is, for any reason, held to be unconstitutional or invalid, such provisions shall not affect the remaining portion of this act. The Legislature hereby declares that it intended to pass each section and sub-section of this act irrespective of every other section or sub-section, sentence, clause or phrase hereof and instructs all courts that such is its intention and such intention shall be given effect. Liberal construction.
Partial invalidity.

SEC. 35. This act is necessary for the immediate preservation of public health, the preservation of the apple industry and of the apple producing areas and for the support of the state government and its existing institutions, and shall take effect immediately. Effective immediately.

Passed the House March 9, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 20, 1939.

CHAPTER 225.

[S. B. 113.]

REVENUE ACT.

AN ACT relating to taxation; amending sections 4, 5, 6, 11, 15(a), 16, 17, 18, 19, 21, 25, 27, 31, 32, 34, 35, 36, 37, 45, 47, 82, 84, 87, 89, 188, 193, 199, 210(a), 211 and 219 of chapter 180, Laws of 1935 (sections 8370-4, 8370-5, 8370-6, 8370-11, 8370-15(a), 8370-16, 8370-17, 8370-18, 8370-19, 8370-21, 8370-25, 8370-27, 8370-31, 8370-32, 8370-34, 8370-35, 8370-36, 8370-37, 8370-45, 8370-47, 8370-82, 8370-84, 8370-87, 8370-89, 8370-188, 8370-193, 8370-199, 8370-210(a), 8370-211 and 8370-219, Remington's Revised Statutes), as amended by chapter 191, Laws of 1937, and chapter 227, Laws of 1937; repealing section 8 of chapter 180, Laws of 1935 (section 8370-8, Remington's Revised Statutes) and chapter 9, Laws of 1939; adding two new sections to chapter 180, Laws of 1935, to be designated sections 8-a and 33 thereof; adding a new title to said chapter 180, Laws of 1935, to be designated title XIII thereof, imposing a tax with respect to the operation of certain coin-operated machines and devices and providing for the collection and enforcement thereof; and declaring an emergency whereby the act shall take effect May 1, 1939.

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

SECTION 1. That section 4, chapter 180, Laws of 1935, as amended by section 1, chapter 227, Laws of 1937, (section 8370-4, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-4
Rem. Rev.
Stat.

Tax on
business
activities.

Section 4. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging in business activities. Such tax shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be, as follows:

Persons
liable, rate.

(a) Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business

shall be equal to the value of the products extracted for sale or commercial use, multiplied by the rate of one-quarter of one per cent;

The measure of the tax is the value of the products so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Upon every person engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-quarter of one per cent;

Manufactur-
er.

The measure of the tax is the value of the products so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(c) Upon every person engaging within this state in the business of making sales at retail; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of one-quarter of one per cent;

Sales at
retail.

(d) Upon every person engaging within this state in the business of buying wheat, oats and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax herein imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one-one hundredth of one per cent;

Business of
buying
wheat, oats
and barley.

(e) Upon every person except persons taxable under sub-section (d) above engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-quarter of one per cent;

Sales at
retail.

Distribution
of articles of
tangible
personal
property.

The tax imposed under this sub-section (e) shall likewise be imposed upon persons engaged in distributing articles of tangible personal property owned by them from a warehouse or other central location to a group of retail stores, the intent hereof being to impose the wholesaling tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales, as to such persons, the amount of tax, with respect to such business, shall be equal to the value of the articles distributed, multiplied by the rate of one-quarter of one per cent; this value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers. The Tax Commission shall prescribe uniform and equitable rules for the purpose of ascertaining such value. If the provisions of this paragraph, for any reason, shall be adjudged invalid, such judgment shall not invalidate the provisions of the first paragraph of this sub-section.

Printing and
publishing.

(f) Upon every person engaging within this state in the business of printing and of publishing newspapers, periodicals or magazines; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one per cent;

Other
business
activities.

(g) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in sub-sections (a), (b), (c), (d), (e) and (f) above; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one-half of one per cent. This sub-section includes, among others, and without limiting the scope hereof, persons engaged in the following businesses (whether or not title to materials used in the performance of such businesses passes

to another by accession, confusion or other than by outright sale): repairing, personal, business, professional, mechanical and educational service businesses, abstract and title insurance, financial, brokerage, construction contracting and sub-contracting, advertising and hotel businesses.

SEC. 2. That section 5, chapter 180, Laws of 1935, as amended by section 2, chapter 227, Laws of 1937, (section 8370-5, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-5,
Rem. Rev.
Stat.

Section 5. For the purposes of this title, unless otherwise required by the context:

Definitions.

(a) The term "tax year" or "taxable year" shall mean either the calendar year, or the taxpayer's fiscal year when permission is obtained from the tax commission to use a fiscal year in lieu of the calendar year;

"Tax year."

(b) The word "person" or word "company," herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise;

"Person."

"Company."

(c) The word "sale" means any transfer of the ownership of, or title to, property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under sub-section (d) of this section. It includes conditional sale contracts, and any other contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It shall also be construed to include the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not;

"Sale."

"Retail sale."

(d) The term "sale at retail" or "retail sale" means every sale of tangible personal property other than a sale to one who purchases for the purpose of resale in the regular course of business or for the purpose of consuming the property purchased in the producing for sale a new article or substance, of which such property is an ingredient or component or a chemical used in processing same. The term "sale at retail" or "retail sale" shall be construed to include: (1) The production, fabrication or printing of tangible personal property for consumers thereof upon special order and shall also include the production, fabrication or printing of tangible personal property for consumers thereof who furnish either directly or indirectly the materials used in such work; (2) the installation, cleaning, decorating, beautifying, repairing or otherwise altering or improving the personal property of consumers or for consumers thereof; (3) the renting or leasing of tangible personal property; (4) the sale of tangible personal property to persons who use such property in the business of erecting buildings or otherwise improving, altering, or repairing real property of others, or in performing public improvement contracts, irrespective of whether the work is performed by any such persons under lump sum contract, time and material contract, day labor or otherwise. The term shall not be construed to include sales of feed to persons producing for sale, milk, eggs, wool, fur, meat or other substances obtained from livestock, animals or poultry;

"Sale at wholesale."

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property which is not a sale at retail;

"Gross proceeds of sale."

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property without any deduction on account of the cost of property sold, the cost of

materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

(g) The term "gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses;

"Gross income of the business."

(h) The term "value proceeding or accruing" means the consideration, whether money, credits, rights or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The Tax Commission may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due;

"Value proceeding or accruing."

(i) The word "extractor" means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource

"Extractor."

product, or fells, cuts or takes timber or other natural product, or takes, cultivates, or raises fish, shell fish or other sea or inland water foods or products; it does not include persons performing under contract the necessary labor or mechanical services for others;

"Manufacturer."

(j) The word "manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use from his own materials or ingredients any articles, substances or commodities. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the Tax Commission shall prescribe equitable rules for determining tax liability;

(k) The term "to manufacture" embraces all activities of a commercial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful article of tangible personal property or substance of trade or commerce is produced and shall include the production or fabrication of special made or custom made articles;

"Commercial use."

(1) The term "commercial use" means the following uses of products by the extractor or manufacturer thereof:

(1) Manufacturing of articles, substances or commodities from extracted products;

(2) Leasing or renting of extracted or manufactured products;

(3) Consigning, shipping or transferring extracted or manufactured products to another either without consideration or in the performance of contracts;

(4) Any other use of products extracted or manufactured on a commercial scale under such

rules and regulations as the Tax Commission shall prescribe;

(m) The word "business" includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly; "Business."

(n) The term "engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business; "Engaging in business."

(o) The term "cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date; "Cash discount."

(p) The term "tuition fee" shall be construed to include library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution: *Provided*, That the term "educational institution," as used herein, shall be construed to mean only those institutions created or generally accredited as such by the state and offering to students an educational program of a general academic nature but not including specialty schools, business colleges, trade schools or similar institutions; "Tuition fee."

(q) The word "successor" means any person who shall, through direct or mesne conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stock of goods, wares, merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a "Successor."

successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor;

“Consumer.”

(r) The word “consumer” means any person who purchases, acquires, owns, holds or uses any article of tangible personal property other than for the purpose of resale in the regular course of business or for the purpose of consuming such property in producing for sale a new article or substance of which such property is an ingredient or component or chemical used in processing same. The word “consumer” includes persons engaged in the business of erecting buildings or improving real property of others, or in performing public improvement contracts and persons engaged in rendering personal and professional services.

Amends
§ 8370-6,
Rem. Rev.
Stat.

SEC. 3. That section 6, chapter 180, Laws of 1935, as amended by section 3, chapter 227, Laws of 1937, (section 8370-6, Remington’s Revised Statutes), be and the same hereby is amended to read as follows:

Persons
taxable.

Section 6. Every person engaging in activities which are within the purview of the provisions of two or more paragraphs (a), (b), (c), (d), (e), (f) and (g) of section 4, shall be taxable under each paragraph applicable to the activities engaged in: *Provided, however,* That persons taxable under paragraphs (a) or (b) of said section shall not be taxable under paragraph (d) of said section with respect to making sales at wholesale of products extracted or manufactured within this state by such persons.

Adds §8 (a)
to ch. 180.
Laws 1935.

SEC. 4. That chapter 180, Laws of 1935 be amended by adding thereto a new section following section 8 thereof to be designated as section 8(a) and to read as follows:

Person
engaged in
rendering
services both
within and
without
state.

Section 8(a). Any person engaged in the business of rendering services both within and without this state shall, for the purpose of computing tax

liability under this title, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

SEC. 5. That section 11, chapter 180, Laws of 1935, as amended by section 4, chapter 227, Laws of 1937, (section 8370-11, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-11
Rem. Rev.
Stat.

Section 11. The provisions of this title shall not apply to:

Persons to
whom tax
is not
applicable.

(a) Any person engaging in the business of selling at retail whose gross proceeds of sales is less than one thousand (\$1,000.00) dollars, and any person engaging in any other business activity whose value of products, gross proceeds of sales or gross income of the business is less than four hundred (\$400.00) dollars, for a bi-monthly period: *Provided, however,* That where one person engages in more than one business activity and the combined measures of tax applicable to such businesses exceed four hundred (\$400.00) dollars, or, where one of such business activities is that of selling at retail, one thousand (\$1,000.00) dollars, for the taxable bi-monthly period no exemption or deduction from the amount of tax is allowed by this provision: *Provided, further,* That any person claiming exemption under the provisions of this sub-section may be required to file returns as provided herein even though no tax may be due;

Minimum.

(b) Any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of title V of this act;

Specific tax.

Insurance.

(c) Any person in respect to insurance business upon which a tax based on gross premiums is paid to the State of Washington: *Provided, however,* That the provisions of this sub-section shall not exempt any person engaging in the business of representing any insurance company, whether as general or local agent, or acting as broker for such companies: *And provided, further,* That the provisions of this sub-section shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

Agricultural products.

(d) Any person in respect to the business of growing or cultivating for sale any agricultural or horticultural products, or crops, or breeding or raising any fowl, animals or livestock for sale or for the milk, eggs, wool, fur or other substance obtainable therefrom, or in respect to the sale of such products at wholesale by the grower or producer thereof. This exemption does not apply to any person selling such products at retail; nor to any person purchasing and feeding or fattening livestock; nor to any person growing, raising or cultivating trees, shrubs, bushes, plants, bulbs, flowers and the like, either as forest, greenhouse or nursery products; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this title;

Boxing contests.

(e) Any person in respect to the business of conducting boxing contests and sparring and/or wrestling matches and exhibitions for the conduct of which a license must be secured from the state athletic commission;

Race meets.

(f) Any person in respect to the business of conducting race meets for the conduct of which a

license must be secured from the horse racing commission;

(g) Any person in respect to his employment Employees.
in the capacity of an employee or servant as distinguished from that of an independent contractor;

(h) Fraternal benefit societies, as defined in Fraternal societies.
Rem. Rev. Stat., section 7259, fraternal fire insurance associations, as described in sub-division third of Rem. Rev. Stat., section 7131, and beneficiary corporations or societies organized under and existing by virtue of Rem. Rev. Stat., sections 3872 to 3883, inclusive, for the purpose of paying death benefits, as provided in Rem. Rev. Stat. of Washington, section 3879;

(i) Any person in respect to the business of Hospitals.
operating a hospital: *Provided*, That no exemption is granted to hospitals organized for profit or where the income therefrom inures to the benefit of any physician, surgeon, stockholder or individual by virtue of ownership or control of such hospital and: *Provided, further*, The word "hospital" shall not be construed to include clinics and resorts or spas, even though health attractions shall be operated in conjunction therewith;

(j) Amounts derived from the lease, rental or Lease, rental or sale of real estate.
sale of real estate: *Provided, however*, That nothing herein shall be construed to allow a deduction of amounts derived from engaging in any business wherein a mere license to use or enjoy real property is granted, or to allow a deduction of amounts received as commissions from the sale or rental of real estate;

(k) National banks, state banks, trust Banks.
companies, mutual savings banks, buildings and loan and savings and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any other business taxable hereunder, even though such

other business be conducted primarily for the purpose of liquidating the assets thereof.

Amends § 8370-15 (a) Rem. Rev. Stat.

SEC. 6. That section 15 (a), chapter 180, Laws of 1935, as enacted by section 5, chapter 227, Laws of 1937, (section 8370-15 (a), Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Public work contracts—taxes prior lien upon amount of final payment.

Section 15 (a). The amount of all taxes, increases and penalties due or to become due from a contractor or his successors or assignees with respect to a public improvement contract shall be a lien prior to all other liens upon the amount of the final payment withheld by the disbursing officer under such contract, and the amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such final payment remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Certificate stating all taxes paid, required.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds in respect to any public improvement contract shall, before making final payment to any person performing any such contract or to any of his successors or assignees, require the person to secure from the Tax Commission a certificate that all taxes, increases and penalties due from such person, and all taxes to become due with respect to such contract have been paid in full.

If within thirty (30) days after receipt of notice by the Tax Commission of the completion of the contract the amount of all taxes, increases and penalties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the Tax Commission may certify to the disbursing officer the amount of all taxes, increases and penalties due from such taxpayer together with the amount of all taxes to be-

come due with respect to such contract and may request payment thereof to the Tax Commission in accordance with the priority provided by this section. The disbursing officer shall within ten (10) days after receipt of said certificate and request pay to the Tax Commission the amount of all taxes, increases and penalties certified to be due or to become due with respect to the particular contract and after payment of all claims which by statute are a lien upon the final payment retained by the disbursing officer, shall pay to the Tax Commission the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the Tax Commission for the balance of all taxes, increases or penalties shown to be due by the certificate of the Tax Commission.

Amount of
taxes paid
to Tax
Commission.

SEC. 7. That section 17, chapter 180, Laws of 1935, (section 8370-17, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-17
Rem. Rev.
Stat.

Section 17. For the purposes of this title, unless otherwise required by the context:

Definitions:

(a) The term "selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money, paid or delivered, by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued and without any deduction on account of losses;

"Selling
price."

(b) The term "seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

"Seller."

(c) The word "buyer" and the word "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust,

"Buyer."

corporation, association, society, or any group of individuals acting as a unit, whether mutual, co-operative, fraternal, non-profit or otherwise, municipal corporation, quasi-municipal corporation, the State of Washington, its departments, institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed.

(d) The meaning attributed, in title II of this act, to the words and terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale sale," "business," "engaging in business," "cash discount," and "successor" shall apply equally in the provisions of this title.

Amends
§ 8370-18
Rem. Rev.
Stat.

SEC. 8. That section 18, chapter 180, Laws of 1935, (section 8370-18, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Sellers.

Section 18. Every consignee, bailee, factor or auctioneer authorized, engaged or employed to sell or call for bids on tangible personal property belonging to another and, so selling or calling, shall be deemed the seller of such tangible personal property within the meaning of this title; and all sales made by such persons are subject to the provisions of this title even though the sale would have been exempt from tax hereunder had it been made directly by the owner of the property sold. It shall be the duty of every consignee, bailee, factor or auctioneer to collect and remit the amount of tax due under this title with respect to sales made or called by them: *Provided, however,* That if the owner of the property sold is engaged in the business of selling tangible personal property in this state the tax imposed under this title may be remitted by such owner under such rules and regulations as the Tax Commission shall prescribe.

SEC. 9. That section 19, chapter 180, Laws of 1935, (section 8370-19, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-19
Rem. Rev.
Stat.

Section 19. The tax hereby levied shall not apply to the following sales:

Sales not
taxable.

(a) Casual and isolated sales by a person who is not engaged in any business activities taxable under title II or title V of this act.

(b) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under title V or title VI of this act, when the gross proceeds from such sales must be included in the measure of the tax imposed under said title V or title VI;

(c) The distribution and news stand sale of newspapers;

(d) Sales which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States.

(e) Sales of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5, (section 8327-5 of Remington's Revised Statutes);

(f) Sales of materials, equipment, parts or other articles to be used in the construction and repair of any commercial vessel or ship, moving in interstate or foreign commerce.

Vetoed.

SEC. 10. That section 16, chapter 180, Laws of 1935, (section 8370-16, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-16
Rem. Rev.
Stat.

Section 16. From and after the first day of May, 1935, there is hereby levied and there shall be collected a tax on each retail sale in this state equal to two per cent of the selling price. The tax imposed under this title shall apply to the retail sale of intoxicating liquor by the Washington state liquor stores.

Retail
sales—rate.

Amends
§ 8370-21
Rem. Rev.
Stat.

SEC. 11. That section 21, chapter 180, Laws of 1935, as amended by section 7, chapter 227, Laws of 1937, (section 8370-21, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Seller to
collect tax—
liability.

Section 21. The tax hereby imposed shall be paid by the buyer to the seller, and it shall be the duty of each seller to collect from the buyer the full amount of the tax payable in respect to each taxable sale. The amount of tax shall be paid by the buyer in cash, or by token or in scrip having the face value of either the purchase price or that portion of the purchase price for which the tax has not been paid in cash. The tax required by this title, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the Tax Commission, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed in this act shall be guilty of misdemeanor and punished in the manner prescribed by law. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the Tax Commission in the manner prescribed by this act, whether such failure be the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of such tax. The amount of tax, until paid to the seller, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required under this title with intent to violate the provisions of this act or to gain some advantage or benefit either direct or indirect, and any buyer who refuses to pay any tax due under this title shall be guilty of a misde-

Penalty for
failure to
pay.

meanor and punishable in the manner prescribed by law.

SEC. 12. That section 25, chapter 180, Laws of 1935, (section 8370-25, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-25,
Rem. Rev.
Stat.

Section 25. In the case of installment sales and leases or rental agreements, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

Installment
sales—
collection
of tax.

In case the consideration for the lease or rental agreement is not a bona fide consideration or does not represent a reasonable charge therefor, or if the agreement designated as a lease or rental agreement is in fact not a true lease or rental agreement, the Tax Commission shall issue equitable rules and regulations for the proper classification of such transaction.

Rentals and
leases.

Where the buyer purchases an article of tangible personal property for the purpose of renting or leasing the same but subsequently becomes the user thereof, or where a buyer purchases an article of tangible personal property partly for the purpose of renting or leasing the same and partly for his own use, the Tax Commission shall prescribe equitable rules and regulations relating to the method to be used by the taxpayer in classifying and reporting such transactions for the purpose of paying the taxes imposed under the provisions of this act.

The Tax Commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each bi-monthly period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

Cash
receipts.

Amends
§ 8370-27
Rem. Rev.
Stat.

SEC. 13. That section 27, chapter 180, Laws of 1935, (section 8370-27, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Rebates and
refunds
unlawful.

Section 27. Whoever, excepting as expressly authorized pursuant to this act, refunds, remits or rebates to a buyer, either directly or indirectly and by whatsoever means, all or any part of the tax levied by this title, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the buyer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the Tax Commission to the proper officer of the department granting the license that said person has violated the provisions of this section. Before any license shall be cancelled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe.

Amends
§ 8370-31
Rem. Rev.
Stat.

SEC. 14. That section 31, chapter 180, Laws of 1935, as amended by section 1, chapter 191, Laws of 1937, (section 8370-31, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Purchases
subsequent
to April 30,
1935.

Section 31. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state any article of tangible personal property purchased at retail or produced or manufactured for commercial use. This tax will not apply with respect to the use of any article of tangible personal property purchased, pro-

duced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property of this state. This tax shall apply to the use of every article of tangible personal property except as hereinafter provided, irrespective of whether the article or similar articles are manufactured within the State of Washington or are available for purchase within the State of Washington, and irrespective of any other condition. Such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of two per cent.

SEC. 15. That section 32, chapter 180, Laws of 1935, as amended by section 2, chapter 191, Laws of 1937, (8370-32, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-32
Rem. Rev.
Stat.

Section 32. The provisions of this title shall not apply:

Non-taxable
articles.

(a) In respect to the use of any article of tangible personal property brought into the State of Washington by a non-resident thereof for his or her use or enjoyment while temporarily within the state unless such property is used in conducting a non-transitory business activity within the state;

(b) In respect to the use of any article of tangible personal property if the sale thereof has already been subjected to tax under title III of this act and such tax has been paid by the purchaser;

(c) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under title V of this act;

(d) In respect to the use of rolling stock or aircraft or floating equipment of a common carrier, the first use of which within the state is actual use of conducting interstate or foreign commerce;

(e) In respect to the use of any article of tangible personal property which the state is prohibited

from taxing under the constitution of the state or under the constitution or laws of the United States.

Adds § 33,
ch. 180,
Laws 1935.

SEC. 16. That chapter 180, Laws of 1935, be amended by adding thereto a new section following section 32 thereof to be designated as section 33 and to read as follows:

Retailer to
collect tax
on sales of
tangible
personal
property and
give receipt.

Section 33. Every retailer maintaining a place of business within this state or a resident agent within this state and making sales of tangible personal property for use in this state not exempted under the provisions of section 32 of this title shall, at the time of making such sales, or if the use of the tangible personal property is not then taxable hereunder, at the time such use becomes taxable hereunder, collect the tax imposed by this act from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission.

Amends
§ 8370-34
Rem. Rev.
Stat.

SEC. 17. That section 34, chapter 180, Laws of 1935, as amended by section 3, chapter 191, Laws of 1937, (section 8370-34, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Monthly
statement.

Section 34. Each taxpayer subject to the provisions of this title shall, on or before the fifteenth day of the month succeeding the end of the bi-monthly period in which the tax accrued, file a return with the Commission showing in detail the total quantity of tangible personal property used by him within the state during the preceding bi-monthly period subject to the tax herein imposed, and such other information as the Commission may deem pertinent. Each taxpayer shall remit to the Commission with each such return the amount of tax shown thereon to be due. Every retailer required to collect the tax imposed under this title shall file returns as provided herein showing the total value of the articles sold by the retailer, the use of which became subject to the tax imposed by this act during the

Remittances.

period for which the return is filed and shall show such other information as the Tax Commission may deem necessary for the proper administration of this act. The return shall be accompanied by a remittance of the amount of tax herein required to be collected by the retailer during the period covered by the return. Where the tax imposed under this title is collected by the retailer and a receipt is given therefor, the purchaser shall not be required to make any remittance with respect to the use of such property.

SEC. 18. That section 35, chapter 180, Laws of 1935, as amended by section 4, chapter 191, Laws of 1937 (section 8370-35, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 35. For the purposes of this title:

(a) The term "value of the article used" shall mean the consideration paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this title. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used and the cost of transportation by a common carrier. In case the article used is produced or manufactured by the person using the same or is sold under conditions wherein the purchase price, including the cost of transportation, does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the Tax Commission may prescribe;

(b) The term "use," "used," "using" or "put to use" mean any act by which the taxpayer takes or

Amend
§ 8370-35
Rem. Rev.
Stat.

Definitions:

"Value of
article used."

"Use."

assumes dominion or control over the article of tangible personal property after delivery thereof is completed within this state, and shall include installation, storage, withdrawal from storage or any other act preparatory to subsequent actual use or consumption within this state: *Provided*, That tax liability under this title shall arise only as to that use as defined hereunder which first occurs within this state and no further tax shall be imposed under this title upon the same person with respect to any other subsequent use of the same article.

“Taxpayer.”

(c) The word “taxpayer” and the word “purchaser” as used in this title, shall include all persons included within the meaning of the word “buyer” and the word “consumer” as defined in title III of this act.

“Retailer.”

(d) The word “retailer,” as used in this title, shall mean every person engaged in the business of selling tangible personal property at retail.

(e) The meaning ascribed to words and phrases in titles I, II and III and all the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this title.

Amends
§ 8370-36
Rem. Rev.
Stat.

SEC. 19. Section 36, chapter 180 of the Laws of 1935 (section 8370-36 of Remington’s Revised Statutes) as amended by section 10, chapter 227 of the Laws of 1937 is hereby amended to read as follows:

Public
utility tax,
businesses
taxable.

Section 36. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. Such tax shall be equal to the gross operating revenue of the business, multiplied by the rate set out after the business, as follows:

I. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph busi-

nesses: Three per cent: *Provided, however,* That a common carrier railroad operating as a plant facility to the extent of eighty per cent or more of its business shall pay a tax of one-fourth of one per cent on such eighty per cent or more of its business and three per cent on all other business;

II. Gas distribution business: Two per cent;

III. Urban transportation business: One-half of one per cent;

IV. Vessels under sixty-five (65) feet in length operating upon the waters within the State of Washington: One-half of one per cent;

V. Highway transportation and all public service businesses other than ones mentioned above: One and one-half per cent.

SEC. 20. That section 37, chapter 180, Laws of 1935, as amended by section 11, chapter 227, Laws of 1937, (section 8370-37, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-37
Rem. Rev.
Stat.

Section 37. For the purposes of this title, unless otherwise required by the context:

Definitions:

(a) The term "railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire: *Provided, however,* That it shall not include any business herein defined to be an urban transportation business;

"Railroad business."

(b) The term "express business" means the business of carrying freight, merchandise or property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

"Express business."

(c) The term "railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or

Railroad car business."

any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

“Water distribution business.”

(d) The term “water distribution business” means the business of operating a plant or system for the distribution of water for hire or sale;

“Light and power business.”

(e) The term “light and power business” means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;

“Telephone business.”

(f) The term “telephone business” means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

“Telegraph business.”

(g) The term “telegraph business” means the business of affording telegraphic communication for hire;

“Gas distribution business.”

(h) The term “gas distribution business” means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;

“Highway transportation business.”

(i) The term “highway transportation business” means the business of operating any motor propelled vehicle, as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined in chapter 111, Laws of 1921, page 338, section 1, and chapter 184, Laws of 1935, page 884, section 2 and amendments thereto, except motor vehicles operated exclusively within the corporate limits of any city or town;

“Urban transportation business.”

(j) The term “urban transportation business” means:

(1) The business of operating any railroad, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place primarily within any one city or town. The term shall also include any electric interurban railroad operated primarily for the purpose of transporting passengers: *Provided*, The distance between the terminals of such interurban railroad does not exceed fifty miles;

(2) The business of operating any motor propelled vehicle for public use in the conveyance of persons, operating within the limits of any city or town or within the limits of contiguous cities or towns. Included herein are such means of conveyance as busses, hotel busses, jitneys, sight-seeing busses, taxicabs or any other passenger motor vehicles operated for public hire, if operating entirely within the limits of any city or town, or contiguous cities or towns or within three miles of such limits;

(k) The term "public service business" means any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared to be of a public service nature by the legislature of this state. It includes, among others, without limiting the scope hereof: airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

"Public
service
business."

(l) The term "gross operating revenue" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount,

"Gross
operating
business."

delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

(m) The meaning attributed, in title II of this act, to the words or phrases: "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "cash discount" and "successor" shall apply equally in the provisions of this title.

Amends
§ 8370-45
Rem. Rev.
Stat.

SEC. 21. That section 45, chapter 180, Laws of 1935, as amended by section 14, chapter 227, Laws of 1937, (8370-45, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 45. For the purposes of this title, unless otherwise required by the context:

"Admission."

(a) The term "admission" includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor. It includes also all charges made for the rental or use of equipment or facilities for purposes of recreation or amusement. Where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charge shall be considered as the charge for admission. The term shall also include automobile parking charges where the amount of such charge is determined according to the number of passengers in the automobile.

"Person."
"Successor."

(b) The words "person" and "successor" shall have the same meaning as is attributed to such words in title II of this act.

Amends
§ 8370-47
Rem. Rev.
Stat.

SEC. 22. That section 47, chapter 180, Laws of 1935, (section 8370-47 of Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Admissions
tax, credited.

Section 47. Every person receiving any payment for admissions, taxable under this title, shall collect the amount of tax imposed hereby from the person making such payments. The tax required to be col-

lected under this title shall be deemed to be held in trust by the person required to collect the same until paid to the Tax Commission as herein provided, and any person receiving payment of such taxes, who shall appropriate or convert the same to his own use or to any use other than the payment of the tax as herein provided to the extent that the amount of the tax is not available for payment on the due date for filing returns as herein provided, shall be guilty of a misdemeanor. In case any person required to collect the tax imposed under this title fails to collect the same, or having collected the tax fails to pay the same to the Tax Commission in the manner prescribed by this act, whether such failure be the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless be personally liable to the state for the amount of such tax. The taxes imposed hereunder shall be due and payable to the state in bi-monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the bi-monthly period in which the tax is collected or accrued. The person receiving any payment for admissions on or before said fifteenth day of said month, shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of tax upon admissions for which he is liable for the preceding bi-monthly period, sign and transmit the same to the Tax Commission, together with a remittance for said amount in the form required in section 191 of this act. The Tax Commission may, in its discretion, require verified annual returns from any taxpayer setting forth such additional information as it may deem necessary to determine correctly tax liability.

Penalty for appropriating.

Bi-monthly remittance.

Returns.

Verified annual returns.

SEC. 23. That section 82, chapter 180, Laws of 1935, (section 8370-82, Remington's Revised Stat-

Amends
§ 8370-82
Rem. Rev.
Stat.

utes), be and the same hereby is amended to read as follows:

Cigarette
tax.

Section 82. From and after the first day of May, 1935, there is hereby levied, and there shall be collected as hereinafter provided in this title, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to one-tenth of one cent for each cigarette, unless the intended retail selling price for each cigarette shall be more than one cent, in which event, the tax shall be twenty per cent of such intended retail selling price.

Rate.

Collection.

Stamps.

(a) In order to enforce collection of the tax hereby levied, the Tax Commission is authorized and required to design and have printed stamps of such size and denominations as may be determined by the Commission, said stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed or distributed, to permit the Commission to readily ascertain by inspection, whether or not such tax has been paid as provided in this title. Every person shall cause to be affixed on every package of cigarettes, as defined in this title, on which a tax is due, stamps of an amount equaling the tax due thereon before such person sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same;

Wholesaler.

Interstate
business.

(b) Every wholesaler in this state shall immediately, after receipt of any of the articles taxed herein, cause the same to have the requisite denomination and amount of stamps affixed to represent the tax as stated herein: *Provided, however,* That any wholesaler engaged in interstate business, who shall furnish surety bond in a sum satisfactory to the Commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this title. Said interstate stock shall be kept separate and apart from stamped stock. Every

wholesaler shall, at the time of shipping or delivering any of the articles taxed herein, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable articles, and shall retain the same subject to the use and inspection of the Tax Commission;

(c) Every retailer shall, except as to those articles on which the tax has been paid by the proper affixing of stamps by a wholesaler, as herein provided, affix the stamps for the denomination and amount necessary to represent the tax on each individual package or container, the same to be done, in all cases, immediately upon receipt by the retailer of the unstamped articles; Retailer.

(d) Said stamps shall be affixed in such manner that they cannot be removed from the package or container without said stamp being mutilated or destroyed, which stamps so affixed shall be evidence of the tax imposed; and such stamps may be cancelled by the use of a rubber stamp bearing the certificate number of such wholesaler or retailer as shown by the certificate of registration issued to him by the Tax Commission, as provided in title XVIII of this set [act], and such stamps may be cancelled as soon as they shall be affixed to the package or container;

(e) In the case of cigarettes contained in individual packages, usually sold to consumers, as distinguished from cartons or larger units, the stamps shall be affixed securely on the face of each individual package;

(f) Wholesalers and retailers subject to the provisions of this title shall be allowed as compensation for their services in affixing the stamps herein required, a sum equal to three (3) per cent of the face value of the stamps purchased by them;

(g) It is the intent and purpose of this title to levy a tax on all of the articles taxed herein, sold,

used, consumed, handled or distributed within this state and to collect the same from the person who first sells, uses, consumes, handles or distributes the same in the State of Washington. It is further the intent and purpose of this title that whenever any of the articles herein taxed are given away for advertising or any other purpose whatsoever, the same shall be taxed in the same manner as if they were sold, used, consumed, handled or distributed in this state.

(h) The Tax Commission shall have authority to authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this title, and if the same be authorized, shall provide reasonable rules and regulations with respect to the use thereof.

Amends
§ 8370-84
Rem. Rev.
Stat.

SEC. 24. That section 84, chapter 180, Laws of 1935, (section 8370-84, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Records and
invoices.

Section 84. It shall be the duty of every wholesaler or retailer subject to the provisions of this title to keep and preserve for a period of five years an accurate set of records, showing all transactions had with reference to the purchase and sale of any of the articles taxed herein and such persons shall keep also separately all invoices, and shall keep a record of all stamps purchased, and all such records and all such stock of taxable articles on hand shall be open to inspection at all reasonable times to the Tax Commission or its duly authorized agent: *Provided, however,* That all wholesalers shall within fifteen days after the first day of each month file with the Tax Commission a report of all drop shipment sales made by them during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold and shall show the

kind and quantity thereof and the date of delivery of the same.

SEC. 25. That section 87, chapter 180, Laws of 1935, (section 8370-87, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-87
Rem. Rev.
Stat.

Section 87. If any wholesaler or retailer, subject to the provisions of this title or any rules and regulations promulgated by the Tax Commission under authority hereof, shall be found to have failed to affix the stamps required, or to have the same affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this title or rules and regulations promulgated by the Tax Commission in the administration hereof, there shall be assessed and collected from such wholesaler or retailer, in addition to any tax that may be found due, a penalty equal to the amount of any tax found to be due plus interest thereon at the rate of one per cent for each thirty days or portion thereof from the date the tax became due, and upon notice mailed to the last known address of the taxpayer said amount shall become due and payable in ten days, at which time the Tax Commission, or its duly authorized agent, may make immediate demand upon such wholesaler or retailer for the payment of all such taxes and penalties: *Provided*, That the Tax Commission, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one per cent for each thirty days or portion thereof. The keeping of any unstamped articles coming within the provisions of this title shall be *prima facie* evidence of the intent to violate the provisions of this title.

Penalty for
violation of
rules and
regulations
or provisions
of act.

SEC. 26. That section 89, chapter 180, Laws of 1935, (section 8370-89, Remington's Revised Stat-

Amends
§ 8370-89
Rem. Rev.
Stat.

utes), be and the same hereby is amended to read as follows:

Seizures.

Section 89. In all cases of seizure of any property made subject to forfeiture under the provisions of this title, which, in the opinion of the person making the seizure, is of the appraised value of one hundred (\$100.00) dollars, or more, the said person shall proceed as follows:

Appraisement.

(a) He shall cause a list containing a particular description of the property seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of this state, residing within the county where the seizure was made. Said list and appraisement shall be properly attested by the said person and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one (\$1.00) dollar per day for not exceeding two days, to be paid as other costs;

Notice.

(b) If the property seized is believed, by the person making the seizure, to be of less value than one hundred (\$100.00) dollars, no appraisement shall be made;

(c) The person making the seizure shall proceed to give notice thereof for five days, in writing, at three places in the county where the seizure is made. One of the notices shall be posted at the county court house; another at the place where the goods were seized; and the other at some public place. The notice shall describe the property seized, and the time and place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized, and shall require any person claiming it to appear and make such claim in writing, within five days from the date of the first posting of such notice. Such person making the seizure shall also deliver to the

person from whom the property was seized, and also to the owner, if known, a copy of the said notice;

(d) Any person claiming the said property seized as contraband, within the time specified in the notice, may file with the Tax Commission a claim, in writing, stating his interest in the property seized, and may execute a bond to the Tax Commission in a penal sum equal to double the value of the property so seized, but in no case shall said bond be less than one hundred (\$100.00) dollars, with sureties to be approved by the clerk of the superior court in the county in which the property is seized, conditioned that in case of condemnation of the property seized, the obligor shall pay to the Tax Commission the full value of the property so seized, and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And, upon delivery of such bond to the Tax Commission, it shall transmit the same with the duplicate list or description of the property seized to the Prosecuting Attorney of the county in which such seizure was made, and said Prosecuting Attorney shall prosecute the case to secure the forfeiture of said property in the court having jurisdiction. Upon filing the bond aforesaid, the said property shall be delivered to the claimant pending the outcome of the case: *Provided*, That he shall at once affix the required stamps thereto;

Bond
executed by
claimant.

(e) If no claim is interposed and no bond is filed within the time above specified, such property shall be forfeited, without further proceedings, and the same shall be sold as herein provided, and the proceeds of sale when received by the Tax Commission shall be paid into the state treasury as are other funds collected: *Provided*, That in seizures of property of less value than one hundred (\$100.00) dollars, the same may be advertised by the Tax Commission with other quantities at Olympia or at

any other city or town in which a branch office of the Tax Commission is located and disposed of as hereinbefore provided;

Court proceedings.

(f) In proceedings to secure a confiscation of the property hereinbefore mentioned, where the value of the goods seized at one time is one hundred (\$100.00) dollars, or less, the justice court of the place where the property is situated, shall have jurisdiction to try the cause. Where the value of the property seized at one time is more than one hundred (\$100.00) dollars, then the superior court of the county where the property is seized shall have jurisdiction to try the cause.

The proceedings against property seized, according to the provisions of this act, shall be considered a proceeding in rem unless otherwise herein provided.

Within ten days after filing the bond provided for in subdivision (d) hereof, the claimant shall file a petition in the court having jurisdiction of the cause, and the Tax Commission or other party authorized to prosecute the confiscation of said property, shall plead to it as if it were an ordinary action at law, and the same rules of pleading and procedure applicable to actions in the justice court or superior court shall be observed in this action, and the costs shall be adjudged as in other actions: *Provided, however,* That neither the state, nor the Tax Commission, nor any other person representing the state shall be liable for the costs in event the court shall not confiscate the property in controversy.

Amends
§ 8370-188
Rem. Rev.
Stat.

SEC. 27. That section 188, chapter 180, Laws of 1935, as amended by section 17, chapter 227, Laws of 1937, (section 8370-188, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 188. If, upon examination of any returns or from other information obtained by the Tax Commission it appears that a tax or penalty has been paid less than that properly due, the Tax Commission shall assess against the taxpayer such additional amount found to be due and shall add thereto an amount equal to 5% of the amount of such additional tax as penalty and interest for the first calendar year or portion thereof in which the deficiency was incurred, and shall add further thereto interest computed at the rate of six per cent per annum upon the amount of such additional tax from the last day of the year in which the deficiency was incurred to the date on which the assessment is made. The Tax Commission shall notify the taxpayer by mail of such additional amount and the same shall become due and shall be paid within ten days from the date of such notice, or within such further time as the Tax Commission may provide. If payment is not received by the Tax Commission by the due date of such notice, the Tax Commission may add a penalty of ten per cent of the amount of the additional tax found due. If the Tax Commission finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of 50% of the additional tax found to be due may be added.

Returns,
errors.

If, upon examination of any returns or from other information obtained by the Tax Commission it appears that a tax has been paid in excess of that properly due, the Tax Commission shall notify the taxpayer by mail and the amount of such excess shall be credited against any tax or installment thereof then due or to become due from the taxpayer under any other subsequent return for the same year, and any balance of such excess at the end of such tax year, or upon the filing of a final return upon ceasing business, shall be refunded on request of the taxpayer by means of vouchers ap-

proved by the Tax Commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Amends
§ 8370-193
Rem. Rev.
Stat.

SEC. 28. That section 193, chapter 180, Laws of 1935, (section 8370-193, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Failure or
refusal to
make return.

Section 193. If any person shall fail or refuse to make any return required by this act, the Tax Commission shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax herein prescribed; and to this end the Tax Commission by itself or its duly appointed agent may make examination of the books, records and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry. The oath may be administered by any member of the Commission or by its duly authorized agent. The Tax Commission may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon, and where such return is not accepted, the taxpayer will be deemed to have failed or refused to file a return.

As soon as the Tax Commission shall procure such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties provided for by this act, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To such assessment the Commission may add a further penalty of ten per cent of the amount of the tax for failure or refusal to make a return and shall add thereto interest at the rate of one per cent per month of the amount of the tax on each thirty days or portion

thereof from the date upon which the tax is due as provided by this act, and shall notify such taxpayer by mail of the total amount of such tax, penalties and interest and the total amount shall become due and shall be paid within ten days from the date of such notice.

Assessments and corrections of assessment may be made by the Commission at any time within four years after the close of the tax year.

Corrections
within
three
years.

SEC. 29. That section 199, chapter 180, Laws of 1935, (section 8370-199, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-199
Rem. Rev.
Stat.

Section 199. Any person having been issued a notice of additional taxes, delinquent taxes, interest or penalties assessed by the Tax Commission under the provisions of this act, may within twenty days after the issuance of the original notice of the amount thereof petition the Tax Commission in writing for a hearing and correction of the amount of such assessment. The petition shall set forth the reasons why such hearing should be granted and the amount of the tax, interest or penalties, which the petitioner believes to be due. The Tax Commission shall promptly grant such hearing and shall fix the time and place therefor and notify the petitioner thereof by mail. If no such petition be filed within such twenty day period the assessment covered by such notice shall become final.

Hearing and
correction of
amount of
tax.

Any person, having paid any tax, original assessment, additional assessment or corrected assessment of any tax made by the Tax Commission under the provisions of this act, may apply to the Tax Commission by petition in writing, within one year after such payment, for a hearing and a correction of the amount of the tax so assessed upon him, in which petition he shall set forth the reasons why such hearing should be granted, and the amount in which

such tax should be reduced. The Commission shall promptly consider such petition, and may grant such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be notified by mail thereof forthwith; if granted, the Commission shall notify the petitioner by mail of the time and place fixed for such hearing. After such hearing the Commission may make such order as may appear to it just and lawful and shall mail a copy of such order to the petitioner.

Appeal to
court.

Any person, except one who has failed to keep and preserve books, records and invoices as provided in section 190 hereof, or in section 84, title XII, of this act, having paid any tax as required by this act and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston County, within one year after the payment of such tax, or within thirty days after the date of the notice denying such a hearing or after the date of the order provided in this section. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him, which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the Tax Commission within the time herein provided and by filing the original thereof with proof of service with the clerk of the superior court of Thurston County. Within ten days after filing notice of such appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the State of Washington in the sum of two hundred (\$200.00) dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained. The trial in the superior court on the appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the tax-

Surety
bond.

payer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the State of Washington, the defendant; and both parties shall be entitled to subpoena and require the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant and material to determine the correct amount of the tax that should be paid by the taxpayer under this act. Either party shall be allowed to appeal to the supreme court in the same manner as other civil actions are appealed to that court. It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the Tax Commission for a hearing in order to appeal to the superior court, as herein provided; but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

SEC. 30. That section 210(a), chapter 180, Laws of 1935, as enacted by section 21, chapter 227, Laws of 1937 (section 8370-210(a), Remington's Revised Statutes), be and the same is hereby amended to read as follows:

Amends
§ 8370-210 (a)
Rem. Rev.
Stat.

Section 210(a). Any tax or penalty due under the provisions of this act or under chapter 191, Laws of 1933, as amended by chapter 57, Laws of 1933, Extraordinary Session, which the Tax Commission deems to be uncollectible, may be charged off accounts receivable subject to approval upon examination by the Budget Division of the Department of Finance, Budget and Business of the State of Washington: *Provided, however,* That such amount charged off shall continue to be a debt due the State of Washington from the taxpayer and may

Uncollectible
accounts.

at any time be transferred back to accounts receivable for the purpose of collection.

Files may be destroyed, when.

The Tax Commission, subject to the approval of the Budget Division, of the Department of Finance, Budget and Business, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer under the provisions of chapter 191, Laws of 1933, or chapter 180, Laws of 1935, and any amendments thereto for any such taxable year or any preceding taxable year.

Amends
§ 8370-211
Rem. Rev.
Stat.

SEC. 31. That section 211, chapter 180, Laws of 1935, as amended by section 22, chapter 227, Laws of 1937, (section 8370-211, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Allocation
of receipts.

Section 211. The State Treasurer, upon receipt of any payments of tax, penalty, interest or fees collected under the provisions of this act and of the several titles hereof except title XV, shall first deposit to the credit of the general fund the amount of any expenditures from said fund, not previously repaid, on account of refunds of taxes, interest and costs and shall deposit the balance thereof to the credit of the following funds:

52.25% thereof to the state current school fund;

2.92% thereof to the University of Washington fund;

1.63% thereof to the Washington State College fund;

0.05% thereof to the Bellingham Norman School fund;

0.13% thereof to the Cheney Normal School fund;

0.25% thereof to the Ellensburg Normal School fund;

42.77% thereof to the state general fund:

Provided, That the allocations hereby made to each

of the first six funds above enumerated shall never during any biennium, in the aggregate, when added to resources or receipts derived from all other sources during such biennium, exceed the total requirements of each of said funds as measured by the biennial legislative appropriations payable therefrom and whenever such limit has been reached, any moneys which would otherwise be allocable to such funds shall be deposited to the credit of the state general fund.

SEC. 32. That section 219, chapter 227, Laws of 1937, (section 8370-219, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amends
§ 8370-219
Rem. Rev.
Stat.

Section 219. The state does hereby preempt the field of imposing taxes on the use of tangible personal property, admissions, conveyances and cigarettes, as included under chapter 180, Laws of 1935, title IV, sections 31 to 35, inclusive, title VI, sections 44 to 50, inclusive, title VIII, sections 53 to 60, inclusive, title XII, sections 82 to 95, inclusive, and no county, town or other municipal subdivision shall have the right to impose taxes of the nature therein defined.

State
preempts
right to
impose reve-
nue taxes.

SEC. 33. That chapter 180, Laws of 1935, as amended by chapters 191 and 227, Laws of 1937 (sections 8370-1 to 8370-220, inclusive, Remington's Revised Statutes), be and the same hereby is amended by adding thereto a new title after title XII, to be designated title XIII, reading as follows:

Title XIII. Tax on Coin-Operated Machines and Devices.

Vetoed.

Section 96. From and after May 1, 1939, there is hereby levied and there shall be collected from every person engaging within this state in the business of operating any pinball machine, slot machine, iron claw machine, traveling crane, or other mechanically or electrically coin-operated machine or

device, wherein the element of chance or the element of chance and skill is involved in determining the payout to the player, a tax at the rate of five dollars (\$5.00) for each such machine or device so operated for each calendar month or fraction thereof.

Section 97. Each person subject to the tax imposed by this title shall, on or before the fifteenth day of the month succeeding the end of the bi-monthly period in which the tax accrued, file a return with the Tax Commission showing the total number of machines or devices operated during the preceding bi-monthly period or portion thereof, together with such other information as the Commission may prescribe, and remit with each such return the amount of tax shown thereby to be due.

Section 98. The meaning ascribed to words and phrases in titles I, II and III and all of the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to the tax imposed by this title. The term "engaging within this state in the business of operating" shall, without limiting the meaning ordinarily ascribed to it, include the owning, possessing, leasing, setting up, maintaining, operating or displaying for the commercial operation thereof of any machine or device subject to tax under this title, and without regard to whether or not any such act is wholly incidental to another business activity engaged in by the taxpayer. The tax imposed by this title shall be in addition to any other tax to which the taxpayer may be subject under the laws of this state. The state does not by this title preempt the field of imposing taxes on machines or devices hereby taxed and this title shall not be construed to bar counties and incorporated cities and towns from regulating, licensing or taxing any such machines or devices.

Vetoed.

SEC. 34. That section 8, chapter 180, Laws of 1935, (section 8370-8, Remington's Revised Statutes), and chapter 9, Laws of 1939, be and the same hereby are repealed.

Repeals
§ 8370-8
Rem. Rev.
Stat.

SEC. 35. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect May 1, 1939.

Effective
date.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 21, 1939, with the exception of sub-section (f) of section 9, and section 33, which are vetoed.

CHAPTER 226.

[H. B. 466.]

INSURANCE COMMISSIONER.

AN ACT fixing the salary of the State Insurance Commissioner.

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

SECTION 1. Effective January 15, 1941, the State Insurance Commissioner shall receive an annual salary of six thousand five hundred dollars (\$6,500).

Passed the House March 2, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 21, 1939.

AUTHENTICATION

I, Belle Reeves, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Twenty-sixth Legislative Session of the State of Washington, held from January 9, 1939, until March 9, 1939, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 12th day of May, 1939.

BELLE REEVES,
Secretary of State.



**JOINT AND CONCURRENT RESOLUTIONS AND
MEMORIALS OF THE SENATE AND HOUSE.**

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT MEMORIAL NO. 1.

*To the Honorable Franklin D. Roosevelt, President of the
United States: Senate and House of Representatives of
the United States of America in Congress Assembled:*

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your Excellency and Honorable Body, as follows:

WHEREAS, an area of approximately forty thousand (40,000) acres of Stevens County, in the State of Washington, has been transferred by executive order from the supervision of the Forestry Department of the Department of Agriculture of the United States to that of the Biological Survey of said department and the grazing of livestock would as result thereof be hereafter prohibited in said area; and

WHEREAS, said area now and for many years past has been considered fine cattle range and is in excellent condition and is providing range for approximately 1,600 head of cattle; and

WHEREAS, under the supervision of the Forestry Department there is no danger of over-grazing in this area; and

WHEREAS, said range area is the only range directly and feasibly available to the county residents near or adjacent to the proposed area, and unless they are permitted to use said area as cattle range the aforesaid cattle must be forced to encroach upon the rights of other residents or their owners abandon their occupation and livelihood; and

WHEREAS, said adjacent residents now and for many years past have produced crops which have supported and been used as feed by much of the game in said area; and

WHEREAS, the grazing of cattle in nowise injures or depletes the feed for game animals by reason of the fact that cattle feed principally upon the bunch grass in this area and game animals feed principally upon browse; and

WHEREAS, a rescission of said order or the abolition of any restriction upon grazing in the aforementioned area is of paramount urgency and importance;

Now, Therefore, We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, pray that the executive order above referred to be rescinded.

Passed the Senate January 16, 1939.

Passed the House February 8, 1939.

SENATE JOINT MEMORIAL NO. 11.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your excellency and honorable bodies as follows:

WHEREAS, the Lewis and Clark Highway would be a commercial and scenic artery of great benefit to the states of Washington, Oregon, Idaho and Montana facilitating the marketing of the products of these states; and

WHEREAS, said highway has been completed with the exception of a fifty (50) mile stretch lying wholly within the National Forest in the State of Idaho; and

WHEREAS, the State of Idaho comprises an area of some fifty-three million acres, only fourteen million of which is taxable land, the balance being National Forest, reserves and state property and for this reason it has been impossible for the state to finance a highway system in keeping with its development and public needs, only two main east-west highways having been built across the state leaving a distance of four hundred miles where no such highway exists; and

WHEREAS, this highway would be of great value as a military road and would provide a direct route over the lowest mountain pass of the Bitterroot mountain range; and

WHEREAS, appropriations for forest roads in national forests, which cover thirty-four million acres in Idaho, are inadequate to provide for completion of this highway; and

WHEREAS, the Lewis and Clark highway has been designated as eligible for Federal aid:

Now, Therefore, We, the Senate and the House of Representatives of the State of Washington, do most respectfully memorialize and petition the President of the United States and the Congress of the United States to enact such legislation and provide such appropriations as will make possible completion of the fifty (50) mile stretch of the Lewis and Clark Highway hereinbefore mentioned;

And Be It Resolved, That copies of this memorial be immediately transmitted to the President of the United States and to the Senate and House of Representatives of the United States and to each Senator and Representative in Congress from the State of Washington.

Passed the Senate February 23, 1939.

Passed the House March 6, 1939.

SENATE JOINT RESOLUTION NO. 1.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, there shall be submitted to the qualified voters of this state for their adoption and approval or rejection, an amendment to the Constitution of the State of Washington, repealing section 7 of article XI.

And, Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three (3) months preceding the election, in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the Senate February 8, 1939.

Passed the House March 5, 1939.

SENATE JOINT RESOLUTION NO. 8.

Providing for an amendment of section 11 of article XII of the constitution of the State of Washington relating to the liability of stockholders in corporations, including banking corporations, for the debts and obligations of such corporations, and enabling the legislature to provide for the placing of the liability of stockholders of banking corporations organized under the laws of this state for the debts and obligations of such corporations upon a basis of equality with the liability of stockholders of national banking associations for the debts and obligations of such associations under the laws of the United States.

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, there shall be submitted to the qualified elec-

tors of this state for their approval and ratification, or rejection, an amendment of section 11 of article XII of the constitution of the State of Washington, so that said section when amended shall read as follows:

Section 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the Senate February 21, 1939.

Passed the House March 5, 1939.

SENATE JOINT RESOLUTION NO. 18.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

WHEREAS, the Governor of the State of Washington has transmitted to the legislature the following communication:

“February 25, 1939.

“Honorable Clarence D. Martin,
Governor of the State of Washington,
Olympia, Washington.

“Dear Governor:

“Our husband and father, the late Clarence J. Lord, became a citizen of the State some fifty years ago, living the entire time in Olympia. He was proud of his citizenship and loved our commonwealth. It is a pleasure to us in memory of him to grant our home to the State for public use, in conformity with the accompanying deed which is to be delivered to the proper authorities if acceptable to them.

“May I not impose on you to take or initiate such action as may be necessary in the premises?

Sincerely,

(signed) ELIZABETH R. LORD

(signed) MRS. W. D. LUCAS (HELEN LORD)”

together with a deed dated February 25, 1939, conveying to the State of Washington for public purposes that certain piece of land comprising the home and grounds long occupied by the Lord family, and described as Block Two (2), Grainger's Addition to the City of Olympia, in Thurston County, State of Washington; and

WHEREAS, the citizenship of the late Clarence J. Lord in our beloved state spanned the entire life of our state and this gift is in memory of his love for our commonwealth;

Therefore, Be It Resolved, that the State of Washington hereby accepts the grant and gift so made and expresses gratitude and appreciation for this magnificent gift to the people of the State of Washington and the public spirit which prompted the said gift, and

Be It Further Resolved, that the above described property be placed under the custody and control of the division of public institutions of the Department of Finance, Budget and Business, and

Be It Further Resolved, that copies of this joint resolution be suitably enrolled and transmitted to Elizabeth R. Lord and her daughter, Mrs. W. D. Lucas.

Passed the Senate February 28, 1939.

Passed the House February 28, 1939.

HOUSE JOINT RESOLUTION NO. 13.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to article III of the constitution of the State of Washington, by adding thereto a new section to be designated section 26 as follows:

Section 26. The people by initiative, or the legislature by appropriate enactment, may fix, change, raise or lower the salary of any constitutional or other officer of the state, including members of the legislature: *Provided, however,* The salary of the legislators shall not exceed Fifty Dollars per month. Any and all constitutional provisions to the contrary are hereby repealed.

Passed the House March 8, 1939.

Passed the Senate March 7, 1939.

Initiative and Referendum Measures Filed With The Secretary of State and the Disposition Thereof.

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Filed January 2, 1914. Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Filed January 3, 1914. Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Filed January 8, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Filed January 30, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour Law)—Filed February 10, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—Filed May 20, 1914. No petition filed.

- INITIATIVE MEASURE NO. 17 (State Road Measure)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Filed December 14, 1914. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—Filed November 16, 1920. No petition filed.

- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Filed January 18, 1922. Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Filed January 15, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Filed February 21, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Filed April 8, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—Filed February 5, 1926. No petition filed.

- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (Re-districting state for legislative purposes)—Filed April 24, 1930. Refiled as Initiative Measure No. 57 (q. v.).
- INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Filed April 25, 1930. Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932. Passed.
- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—Filed January 8, 1934. No petition filed.

- INITIATIVE MEASURE NO. 73 (Catching of Fish)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)—Filed February 1, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—Filed April 9, 1934. No petition filed.

- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)—
Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)—Filed May 18, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)—
Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)—
Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (40-Mill Tax Limit)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (Tax on gasoline)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (Relating to gill nets)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)—
Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on gasoline)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (40-Mill Tax Limit)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of Sick to Hospitals)—
Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for Crippled and Blind)—
Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of Sick to Hospitals)—
Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing compulsory military training)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on gasoline)—Filed April 15, 1936. No petition filed.

- INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)—Filed April 21, 1936. Submitted to the people November 3, 1936; passed.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (Production for Use)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (Beer on Sunday)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (Business and Occupation Tax)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (Distribution of Highway Funds)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (Tax on Intoxicating Liquors)—Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (Non-Partisan School Election)—Filed February 24, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 127 (Distribution of Highway Funds)—Filed March 1, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (Civil Service)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)—Filed March 18, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 130 (Regulation of Labor Disputes)—Filed April 6, 1938. Submitted to the people November 8, 1938; failed to pass.
- INITIATIVE MEASURE NO. 131 (Civil Service)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (Old Age Assistance)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (Relating to Licensing Gambling)—Filed April 15, 1938. No petition filed.

- INITIATIVE MEASURE NO. 134 (Old Age Assistance)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (40-Mill Tax Limit)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (Relating to Retail Beer and Wine Licenses)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (Relating to Gambling)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (Relating to Gambling)—Filed June 13, 1938. No petition filed.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Filed March 11, 1913. Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Filed March 25, 1913. Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Filed March 18, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Filed March 18, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Filed March 25, 1915. Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition; failed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws 1921, Primary Nominations and Registration)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws 1933, Cities and Towns: Electric Energy)—Filed April 7, 1933. Submitted to the people November 6, 1934; passed.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.

INITIATIVE MEASURES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)—Filed October 25, 1928. Submitted to the people November 4, 1930; passed.
- INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)—Filed August 21, 1934. Passed by the Legislature February 21, 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)—Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)—Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)—Filed October 7, 1938. Refined as Initiative to the Legislature No. 8 (q. v.).
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)—Filed December 8, 1938. No petition filed.
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REFERENDUM BILLS

- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people November 3, 1936; failed to pass.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: Harbors and Harbor Areas. Adopted November, 1932.

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Section 1669	amended 163	2	489
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