

SESSION LAWS

OF THE

STATE OF WASHINGTON

THIRTY-FIRST SESSION

Convened January 10, Adjourned March 10

1949

Compiled in Chapters
Under the Direction of EARL COE, Secretary of State,
and including Three Acts (Chapters 4, 5 and 6) Passed
by the People at the General Election Held on
November 2, 1948, Under the Initiative Pro-
vision of the State Constitution

MARGINAL NOTES AND INDEX

By

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Attorney General

PUBLISHED BY AUTHORITY

EXPLANATORY

The Thirty-first Legislature of the State of Washington convened at 12 o'clock noon, January 10, 1949 (being the second Monday in January), and adjourned *sine die* March 10, 1949.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock midnight, June 8, 1949, except relief bills, appropriations and other acts declaring an emergency.



Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-first Regular Session

1949

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENDITURES.

AN ACT appropriating the sum of four hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary, for the actual and necessary expenses of the Legislature, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the General Fund of the State of Washington the sum of four hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary, to be used for the purpose of paying the expenses, except legislative printing, of the Thirty-first Legislature of the State of Washington. Legislative
expense
appropriation.

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

Passed the Senate January 10, 1949.

Passed the House January 10, 1949.

Approved by the Governor January 13, 1949.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for the printing ordered by the Legislature, and declaring an emergency.

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

Legislative printing appropriation.

SECTION 1. There is hereby appropriated out of the General Fund of the State of Washington the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay for such printing as may be ordered by the Thirty-first Legislature, or either branch thereof.

Emergency.

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 January 10, 1949.

Passed the House January 10, 1949.

Approved by the Governor January 13, 1949.

CHAPTER 3.

[S. B. 3.]

SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN ACT appropriating the sum of eighty-seven thousand dollars (\$87,000), or so much thereof as may be necessary, for the actual and necessary expenses of the members of the Legislature for lodging and subsistence actually incurred and paid by them while absent from their places of residence in the service of the state and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the General Fund of the State of Washington the sum of eight-seven thousand dollars (\$87,000), for the actual and necessary expenses of the members of the Thirty-first Legislature, actually expended by them for subsistence and lodging while absent from their usual places of residence in the service of the state, at a rate not exceeding ten dollars (\$10) per day, to be evidenced by the duly verified vouchers of the respective members of the Legislature.

Legislative
subsistence
expense
appropriation.

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

Emergency.

Passed the Senate January 10, 1949.

Passed the House January 10, 1949.

Approved by the Governor January 13, 1949.

NOTE: Chapter 4 declared unconstitutional by the State Supreme Court on February 4, 1949 (Gilman vs. State Tax Commission, 132 Washington Decisions, 476.)
EARL COE,
Secretary of State.

CHAPTER 4.

[Initiative Measure No. 169.]

VETERANS' ADDITIONAL COMPENSATION.

AN ACT providing for the payment of additional compensation to veterans of World War II; establishing administrative procedures; authorizing the issuance and sale of state bonds and allocating the revenues thereof to a compensation fund; providing for the retirement of the bonds through the proceeds of a tobacco tax; making an appropriation and providing penalties.

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

Qualifica-
tions for
recipients.

SECTION 1. There shall be paid to each person who was on active Federal service as a member of the armed military or naval forces of the United States between the 7th day of December, 1941, and the 2nd day of September, 1945, who at the time of his or her entry upon active Federal service and for a period of one year prior thereto was a bona fide citizen or resident of the State of Washington, the sum of ten dollars (\$10) for each and every month or major fraction thereof of such duty performed within the continental limits of the United States, and fifteen dollars (\$15) for each and every month or major fraction thereof of such duty performed outside the continental limits of the United States:

Amount.

Foreign
compensa-
tion.

Provided, That persons who have already received extra compensation for such service from any other state or territory shall not be entitled to the compensation under this act, unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation payable under this act and the extra compensation already received from such other state or territory.

SEC. 2. The word "person" as used in section one (1) of this act shall not include persons, who during the period of their service, refused on conscientious, political or other grounds to subject themselves to full military discipline and unqualified service or who were separated from such service under conditions other than honorable, and who have not subsequently been officially restored to an honorable status, and such persons shall not be entitled to the benefits of this act.

Persons -
disqualified.

SEC. 3. All disbursements required by this act for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the State Auditor, which form shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction or entry upon active Federal service, beginning and ending dates of overseas service, date of discharge or release from active Federal service, or if the claimant has not been released at the time of application, a statement by competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The State Auditor may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants. Such certificates shall be presented to the State Auditor or his representative, together with evidence of honorable service satisfactory to the State Auditor. The State Auditor shall draw warrants in payment of such compensation claims against the War Veterans' Compensation Fund, which is hereby established in the state treasury. The State Auditor is given power to make such reasonable require-

Auditor's
certificate.

Record of
service.

Auditor's
warrants

ments for applications as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Auditor
to furnish
forms.

SEC. 4. The State Auditor shall furnish free of charge upon application therefor the necessary forms upon which applications may be made and may establish at different points within the State of Washington offices at which there shall be kept on file for the use of persons covered by this act a sufficient number of certificate forms, so that there may be no delay in the payment of this compensation. The State Auditor may authorize the County Auditor or County Clerk, or both, of any county of the state to act for him in receiving applications under the provisions of this act, and shall furnish such persons with the proper forms to enable them to accept such applications. The State Auditor is hereby authorized and directed to procure such printing, office supplies and equipment and to employ such persons as may be necessary in order to properly carry out the provisions of this act, and all expenses incurred by him in the administration of this act shall be paid by warrants drawn upon the War Veterans' Compensation Fund.

County
Auditors to
assist.

Duties of
executive
officer of
Veterans'
Rehabilita-
tion Council.

SEC. 5. The Executive Officer of the Veterans' Rehabilitation Council shall advise with and assist the State Auditor in the performance of the duties of the Auditor under this act, and when so called upon, the Executive Officer of the Veterans' Rehabilitation Council shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the War Veterans' Compensation Fund.

Anticipatory
warrants.

SEC. 6. The State Auditor may, in his discretion, issue warrants under the provisions of this act in anticipation of the sale of the bonds herein authorized.

SEC. 7. For the purpose of providing means for the payment of compensation hereunder and for paying the expenses of administration, there shall be issued and sold bonds of the State of Washington in the sum of one hundred million dollars (\$100,000,000): *Provided*, That if the proceeds of the sale of such bonds be insufficient to pay the compensation herein allowed, then sufficient additional bonds to pay such compensation shall be issued and sold. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the State Finance Committee. The State Finance Committee may, in its discretion, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to make the payments provided for by this act. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption as the State Finance Committee may prescribe to be specified therein. The bonds shall be signed either manually or with a stamped facsimile signature by the Governor and the State Auditor under the seal of the state and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Such bonds shall bear interest at a rate not to exceed three per cent (3%) per annum, which bonds shall be sold for not less than par. Any bonds may be registered in the name of the holder on presentation to the State Treasurer or at the fiscal agency of the State of Washington in New York, as to principal alone or as to both principal and interest under such regulations as the State Treasurer may prescribe. Said bonds shall be in a form embodying an absolute promise of the State of Washington to pay both principal and interest in such places as the State Finance

Bond issue.

State
Finance
Committee
shall
supervise.Payable
within
30 years.

Interest rate.

Form of
bonds.

Committee may provide and shall be in such denominations as may be prescribed by said Committee. All bonds issued under the provisions of this act may be sold in such manner and in such amounts and at such times and on such terms and conditions as the State Finance Committee may prescribe: *Provided*, That if said bonds are sold to any person other than the State of Washington, they shall be sold at public sale, and it shall be the duty of the State Finance Committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this act shall be legal investment for any of the funds of the state, including the Permanent School Fund, any higher educational funds, and the Accident Fund of the Department of Labor and Industries.

Sale of
bonds.

Bonds shall
be legal
investment.

War
Veterans'
Compensa-
tion Fund.

SEC. 8. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of a special fund to be known as the War Veterans' Compensation Fund, which shall be used for the payment of the compensation provided in this act, and for paying the expenses of the administration thereof. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the War Veterans' Compensation Fund the sum of one hundred million dollars (\$100,000,000).

Appropriation.

Retirement
fund.

SEC. 9. For the purpose of creating a fund for the retirement of said bonds upon maturity and the payment of interest thereon as it falls due, there is hereby levied after January 1, 1949, and there shall be collected by the Tax Commission from the persons mentioned in, and in the manner provided by, section 82, chapter 180, Laws of 1935, as amended, a tax upon the sale, use, consumption, handling or distribution of all smoking, chewing and snuffing tobaccos, including cigars and cigarettes, in an

Tax on
tobaccos.

amount equal to one cent upon each ten cents or fraction of the intended retail selling price of such tobaccos. All moneys derived from such tax shall be paid into the state treasury and credited to a special fund to be known as the War Veterans' Compensation Bond Retirement Fund.

Compensation Bond Retirement Fund.

SEC. 10. No charge shall be made by any agent, notary public or attorney for any service in connection with filing an application to obtain the allowance provided for by this act, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to the terms of this act. Any violation of this section shall be a gross misdemeanor.

Free official service.

Discounting certificates prohibited.

SEC. 11. Any person who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates provided for by this act, or who with intent to defraud, presents to the State Auditor or any other officer any certificate for the purpose of obtaining funds provided by this act, which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this act, shall be guilty of a felony.

False claims punishable.

SEC. 12. The Legislature may provide additional means for raising moneys for the payment of the interest and principal of said bonds, and this act shall not be deemed to provide an exclusive method for such payment.

Method not exclusive for raising moneys.

SEC. 13. If any section or provision of this act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Partial invalidity.

Filed in the office of Secretary of State January 2, 1948.

Passed by vote of the people November 2, 1948, at the general election.

Proclamation signed by the Governor December 2, 1948.

CHAPTER 5.

[Initiative Measure No. 171.]

INTOXICATING LIQUOR BY THE DRINK.

AN ACT providing for the regulation and control of the sale of intoxicating liquor by the drink; restricting licenses to restaurants, hotels, clubs, certain places on trains, boats and airplanes, and qualified tourist establishments; limiting such licenses to one for each fifteen hundred (1500) of population; prescribing license fees up to one thousand dollars (\$1,000) per annum and surety bond of ten thousand dollars (\$10,000) for payment of penalties; providing terms of office for liquor board members, with removal for cause only; distributing such license fees to the State College and University for medical and biological research; defining terms and repealing conflicting acts.

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

Amendment.

SECTION 1. Chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 217 of the Laws of 1937, as amended by chapter 220 of the Laws of 1941, is amended by adding thereto the following section, to be known as section 23-S-1:

Class H license.

Section 23-S-1. (a) There shall be a retailer's license, to be known and designated as Class H license, to sell beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. Such Class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as

Those eligible for Class H license.

the Board shall determine are qualified to have, and in the discretion of the Board should have, a Class H license under the provisions and limitations of this act. Discretion of board.

SEC. 2. Chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 217 of the Laws of 1937, as amended by chapter 220 of the Laws of 1941, is amended by adding thereto the following section, to be known as section 23-S-2: Amendment.

Section 23-S-2. (a) "Spirituos liquor," as used in this act, means "liquor" as defined in section 3 of chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 158 of the Laws of 1935, except "wine" and "beer" sold as such. "Spirituos liquor" defined.

(b) "Restaurant," as used in this act, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: *Provided, however,* That such establishments shall be approved by the Board and that the Board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed a compliance with this definition. "Restaurant" defined.

(c) "Hotel," "clubs," "wine" and "beer" are used in this act with the meaning defined in section 3 of chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 158 of the Laws of 1935. "Hotel," "clubs," "wine" and "beer" defined.

(d) "Election unit," as used in this act, means any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns. "Election unit" defined.

(e) It shall be unlawful for any Class H licensee to sell liquor to women, except when seated at tables. Selling liquor to women.

SEC. 3. Chapter 62 of the Laws of 1933, Extraor-

Amendment.

dinary Session, as amended by chapter 217 of the Laws of 1937, as amended by chapter 220 of the Laws of 1941, is amended by adding thereto the following section, to be known as section 23-S-3:

Schedule of fees.

Section 23-S-3. 1. The Class H license shall be issued in accordance with the following schedule of annual fees:

Clubs.

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be \$300.00.

Within incorporated cities and towns.

(b) The annual fee for said license, if issued to any other Class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

- Incorporated cities and towns of less than 10,000 population; fee \$500.00;
- Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$750.00;
- Incorporated cities and towns of 100,000 population and over; fee \$1,000.00.

Outside incorporated cities and towns.

(c) The annual fee for said license when issued to any other Class H licensee outside of incorporated cities and towns shall be: \$1,000; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

Dining, club or buffet cars, or boats and airplanes.

(d) The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection 4 of this section.

Licenses shall be confined to business districts.

2. The Board, so far as in its judgment is reasonably possible, shall confine Class H licenses to the business district of incorporated cities and towns, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

3. The Board shall have discretion to issue Class H licenses outside of incorporated cities and towns

in the State of Washington. The purpose of this subsection is to enable the Board, in its discretion, to license in areas outside of incorporated cities and towns, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

Board has discretion outside incorporated cities and towns.

4. Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of \$150.00 per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of \$5.00 per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: *Provided*, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five (5) consecutive days without such license: *And provided, further*, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

Dining, club and buffet cars, or boats and airplanes.

Duplicate license.

Emergency.

Must be actively operating as common carrier.

5. The total number of Class H licenses issued in the State of Washington by the Board shall not in the aggregate at any time exceed one (1) license for each 1,500 of population in the state, determined according to the last available Federal census.

Maximum number of licenses.

6. Notwithstanding the provisions of subsection 5 of this section, the Board shall refuse a Class H license to any applicant if in the opinion of the Board the Class H licenses already granted for the particu-

Number of licenses in a locality within discretion of board.

lar locality are adequate for the reasonable needs of the community.

Licenses issued 90 days after effective date of act.

7. No Class H license shall be issued by the Board until ninety (90) days after the effective date of this act; it being the intent of this subsection that the said 90-day period shall be utilized by the Board for entertaining and passing upon applications for Class H licenses and otherwise preparing to put this act into operation.

Amendment.

SEC. 4. Chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 217 of the Laws of 1937, as amended by chapter 220 of the Laws of 1941, is amended by adding thereto the following section, to be known as section 23-S-4:

Surety bond.

Section 23-S-4. Each application for a Class H license shall be accompanied by a surety bond, issued by any surety company authorized to do business in the State of Washington, in the penal sum of \$10,000.00, said bond to run to the Washington State Liquor Control Board for the payment of any fines and penalties which may, under this act, be levied against the licensee. Said surety bond shall at all times be in effect for the full amount thereof so long as said license shall be in force, and until it is terminated or cancelled, unless said bond shall, upon ten (10) days' written notice to the Board and the Class H licensee, be cancelled by the surety company. Upon any cancellation by the surety company, said Class H license shall be deemed immediately void and cancelled, except as to such fines and penalties as may have been theretofore, or may be thereafter, imposed for any violations of this act, committed prior to the effective date of the cancellation of such surety bond.

Cancellation of bond.

License void.

Amendment.

SEC. 5. Chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 217 of the Laws of 1937, as amended by chapter 220 of the Laws

of 1941, is amended by adding thereto the following section, to be known as section 23-S-5:

Section 23-S-5. Each Class H licensee shall be entitled to purchase any spirituous liquor items saleable under such Class H license from the Board at a discount of not less than fifteen per cent (15%) from the retail price fixed by the Board, together with all taxes.

Purchase of liquor at discount.

SEC. 6. Section 23T of chapter 62 of the Laws of 1933, Extraordinary Session, as added thereto by chapter 217 of the Laws of 1937, being Rem. Rev. Stat., sec. 7306-23T, is hereby amended to read as follows:

Amendment.

Section 23T. No club shall be entitled to a Class H license:

Requirements for clubs.

(a) Unless such club had been in operation at least three (3) years prior to the effective date of this act, or, the club, being thereafter formed, had been in continuous operation for at least one year immediately prior to the date of its application for such license;

Length of time in operation.

(b) Unless the club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the Board and in accordance with this act and the regulations made thereunder;

Properly constructed and operated.

(c) Unless the Board shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a bona fide club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide club, where the sale of liquor is incidental to the main purposes of the club, as defined in section 3 of chapter 158, Laws of 1935;

Must be bona fide club.

(d) Each club holding a club license under this section prior to its amendment by this act shall have a period of six (6) months, from and after the

Must apply within 6 months for Class H license.

Old license null and void.

effective date of this act, to apply for and obtain a Class H license. From and after six (6) months after the effective date of this act, each club license granted under this section prior to its amendment by this act shall be null and void. The Board shall reserve a sufficient number of Class H licenses to license each club which has been in operation for one (1) year prior to the effective date of this act: *Provided*, That such club qualifies therefore under the provisions of this act.

Amendment.

SEC. 7. Section 27A of chapter 62 of the Laws of 1933, Extraordinary Session, as added thereto by section 3, of chapter 217 of the Laws of 1937, being Rem. Rev. Stat., sec. 7306-27A, is hereby amended to read as follows:

Music and dancing prohibited unless permitted by local authorities.

Section 27A. It shall be unlawful for any person, firm or corporation holding any retailer's license to permit or allow upon the premises licensed any music, dancing, or entertainment whatsoever, unless and until permission thereto is specifically granted by appropriate license or permit of the proper authorities of the city or town in which such licensed premises are situated, or the Board of County Commissioners, if the same be situated outside an incorporated city or town: *Provided*, That the words "music and entertainment," as herein used, shall not apply to radios or mechanical musical devices.

Amendment.

SEC. 8. Section 63, chapter 62 of the Laws of 1933, Extraordinary Session, as last amended by chapter 208, Laws of 1945, is amended to read as follows:

Liquor Control Board.

Section 63. There shall be a Board, known as the "Washington State Liquor Control Board," consisting of three (3) members, to be appointed by the Governor, with the consent of the Senate, who shall each be paid an annual salary to be fixed by the Governor, not to exceed the highest salary allowed

Salaries.

by the Legislature for any appointive state administrative officer. The Governor may, in his discretion, appoint one of the members as chairman of the Board, and a majority of the members shall constitute a quorum of the Board.

SEC. 9. Section 64, chapter 62 of the Laws of 1933, Extraordinary Session, as last amended by chapter 113, Laws of 1947, is amended to read as follows: Amendment.

Section 64. 1. The members of the Board to be appointed after the taking effect of this act shall be appointed for terms beginning January 15, 1949, and expiring as follows: One member of the Board for a term of three (3) years from January 15, 1949; one member of the Board for a term of six (6) years from January 15, 1949; and one member of the Board for a term of nine (9) years from January 15, 1949. Each of the members of the Board appointed hereunder shall hold office until his successor is appointed and qualified. Upon the expiration of the term of any of the three members of the Board appointed as aforesaid, each succeeding member of the Board shall be appointed and hold office for the term of nine (9) years. In case of a vacancy, it shall be filled by appointment by the Governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the Board shall impair the right of the remaining member or members to act, except as herein otherwise provided. Terms of office.

2. The principal office of the Board shall be at the state capitol, and it may establish such other offices as it may deem necessary. Vacancies.

3. Any member of the Board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the Governor, who shall transmit such written charges to the member accused and to the Chief Justice of the Supreme Offices.

Removal of member of Board for cause.

Tribunal to hear and adjudicate.

Court. The Chief Justice shall thereupon designate a tribunal composed of three judges of the Superior Court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the Supreme Court. Removal of any member of the Board by the tribunal shall disqualify such member for reappointment.

Hearing.

No review.

Members of board shall hold no other public office.

4. Each member of the Board shall devote his entire time to the duties of his office and no member of the Board shall hold any other public office. Before entering upon the duties of his office, each of said members of the Board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the State of Washington, to be approved by the Governor in the penal sum of Fifty Thousand Dollars (\$50,000.00) conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the Secretary of State. The premium for said bond shall be paid by the Board.

Surety bond.

Oath of office.

Amendment.

SEC. 10. Section 77, chapter 62 of the Laws of 1933, Extraordinary Session, as amended by chapter 13, Laws of 1935, is hereby amended to read as follows:

Distribution of funds.

Section 77. Moneys in the liquor revolving fund shall be distributed by the Board at least once every three (3) months in accordance with section 78 hereof: *Provided*, That the Board shall reserve from distribution such amount not exceeding \$500,000.00 as may be necessary for the proper administration of this act: *And provided further*, That all license fees, penalties and forfeitures derived under this act from Class H licenses or Class H licensees shall every three (3) months be disbursed by the Board to the

Reservation of funds.

University of Washington and to Washington State College for medical and biological research only, in such proportions as shall be determined by the Board after consultation with the heads of said state institutions.

Disbursement for medical and biological research.

SEC. 11. Chapter 62 of the Laws of 1933, Extraordinary Session, is amended by adding thereto the following section, to be known as section 78-A:

Amendment.

Section 78-A. The Board shall set aside in a separate account in the Liquor Revolving Fund an amount equal to ten per cent (10%) of its gross sales of liquor to Class H Licensees; and the moneys in said separate account shall be distributed in accordance with the provisions of section 78 of chapter 62, Laws of 1933, Extraordinary Session: *Provided, however,* That no election unit in which the sale of liquor under Class H licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

Disbursement of funds under § 78, Ch. 62, Laws of 1933, Ex. Sess.

SEC. 12. Chapter 62 of the Laws of 1933, Extraordinary Session, is amended by adding thereto the following section, to be known as section 83-A:

Amendment.

Section 83-A. Within any unit referred to in section 82, there may be held a separate election upon the question of whether the sale of liquor under Class H licenses, shall be permitted within such unit. The conditions and procedure for holding such election shall be those prescribed by sections 83 through 87 of chapter 62 of the Laws of 1933, Extraordinary Session. Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "against the sale of liquor under Class H licenses," the County Auditor shall file with the Liquor Control Board a certificate showing the result of the canvass at such election; and after ninety (90) days from and after the date of the canvass, it shall not be lawful for licensees to maintain and

Separate election within unit as to whether Class H licenses to be permitted.

operate premises therein licensed under Class H licenses. Elections held under sections 82 to 88 of chapter 62 of the Laws of 1933, Extraordinary Session, shall be limited to the question of whether the sale of liquor by means other than under Class H licenses shall be permitted within such election unit.

Amendment.

SEC. 13. Chapter 62 of the Laws of 1933, Extraordinary Session, is amended by adding thereto the following section, to be known as section 87-A:

Issuance of
Class H
licenses in
election
units.

Section 87-A. Ninety (90) days after the effective date of this act, Class H licenses may be issued in any election unit in which the sale of liquor is then lawful. No Class H license shall be issued in any election unit in which the sale of liquor is forbidden as the result of an election held under sections 82 through 88 of chapter 62 of the Laws of 1933, Extraordinary Session, unless a majority of the qualified electors in such election unit voting upon this initiative at the general election in November, 1948, vote in favor of this initiative, or unless at a subsequent general election in which the question of whether the sale of liquor under Class H licenses shall be permitted within such unit is submitted to the electorate, as provided in section 83-A of this act, a majority of the qualified electors voting upon such question vote "for the sale of liquor under Class H licenses."

Class H
licensee may
sell beer,
wine and
spirituous
liquor.

SEC. 14. Notwithstanding any provisions of chapter 62 of the Laws of 1933, Extraordinary Session, as last amended, or of any provisions of any other law which may otherwise be applicable, it shall be lawful for the holder of a Class H license to sell beer, wine and spirituous liquor in this state in accordance with the terms of this act.

SEC. 15. For the purpose of carrying into effect the provisions of this act, the Board shall have the same power to make regulations not inconsistent

with the spirit of this act as is provided by section 79 of chapter 62 of the Laws of 1933, Extraordinary Session. Power to make regulations.

SEC. 16. All acts or parts of acts in conflict here with are hereby repealed. Repealing clause.

SEC. 17. If any section or provision of this act shall be adjudged to be invalid, such adjudication shall not affect the validity of the act as whole or any section, provision, or part thereof not adjudged to be invalid. Partial invalidity.

SEC. 18. This act is necessary for the preservation of the public peace, health and safety, the promotion of the public welfare, and the support of the State Government and its existing institutions, and shall take effect at the earliest time permitted by Amendment 7 to the Constitution of the State of Washington. Emergency.

Filed in the office of the Secretary of State January 19, 1948.

Passed by the vote of the people November 2, 1948, at the general election.

Proclamation signed by the Governor December 2, 1948.

CHAPTER 6.

[Initiative Measure No. 172.]

CITIZENS' SECURITY ACT.

AN ACT relating to Citizens' Security, providing a minimum standard of living of sixty dollars (\$60) a month for needy Senior Citizens and needy Blind, establishing uniform standards for eligibility and amounts of assistance for all categories of public assistance, providing for additional care and funeral benefits, providing for administrative procedures and conformance with Federal Social Security laws, abolishing liens, repealing certain acts with parts of acts in conflict herewith, and appropriating six million five hundred thousand dollars (\$6,500,000).

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

SECTION 1. *Title.* This act shall be known, and may be cited as the "Citizens' Security Act of 1948 of the State of Washington."

Declaration of intent.

SEC. 2. *Declaration of Intent.* It is hereby declared to be the intent of the people of the State of Washington to take the fullest possible advantage of the provisions of the Federal Social Security Act to provide grants and other assistance to Senior Citizens, and others covered by this act, as liberally as is consistent with receiving matching funds under the terms of the Federal Social Security Act.

The Senior Citizens of the State of Washington are our pioneer citizens. It is their years of labor, of paying taxes, of raising families, of citizenship service which has built our great State of Washington. Through no fault of their own, a large proportion of them find themselves, in their seniority, robbed of security and in need of both financial and medical assistance. Increasingly throughout the United States the realization is growing that the only adequate and just solution is a uniform national pension paid as a matter of right, not need. Until such a national pension is enacted, it is the duty of the State of Washington at least to provide for its own people a minimum of security, and to guarantee

them, as far as it is within the state's power to do so, freedom from want and freedom from fear.

The payment of liberal pensions is not just a matter of humanity and justice; the lack of purchasing power in the hands of such an increasingly large proportion of our population is a contributing factor in causing economic depressions, and the payment of liberal pensions helps to create a market for the products of labor, agriculture and industry.

It is also the intent to apply certain provisions of this act in determining grants of Aid to Dependent Children, Aid to the Blind and General Assistance. No sound basis can be found for varying the standards of assistance according to the categories of the recipients. While this act is intended to assure uniformity of treatment of all needy persons receiving public assistance, it is intended to establish the \$60 monthly minimum grant for the Senior Citizens and the Blind only.

SEC. 3. *Definitions.*

(a) "Applicant" shall mean any person applying for a grant under the provisions of this act.

Definitions.

"Applicant."

(b) "Recipient" shall mean any person receiving a grant.

"Recipient."

(c) "Grant" or "Senior Citizen Grant" shall mean the funds, Federal and state, made available to recipients under the terms of this act.

"Grant" or
"Senior Citizen Grant."

(d) "Senior Citizen" shall mean a person eligible for a grant under the terms of section 4 of this act, but shall not be construed as limiting eligibility to citizens of the United States or of the State of Washington, nor as limiting any rights provided under section 16 hereof or under any other section or part of this act.

"Senior Citizen."

(e) "Department" shall mean the department or agency designated to administer the provisions of this act, and the department shall be called the "Department of Social Security."

"Department."

"Director."

(f) "Director" shall mean the administrative head of the Department of Social Security.

"Income."

(g) "Income" shall mean net income in cash or kind available to applicant or recipient, the receipt of which is regular and predictable enough to afford security in that applicant or recipient may rely upon it to contribute appreciably toward meeting his needs.

"Resources."

(h) "Resources" shall mean any asset which may be applied toward meeting the needs of an applicant or recipient, including real and personal property holdings contributing toward the maintenance of the applicant or recipient or representing investments or savings which may be drawn upon for maintenance purposes, excluding therefrom:

- (1) Insurance policies the cash surrender value of which does not exceed \$500;
- (2) Cash or its equivalent not exceeding \$200;
- (3) Personal effects clothing, furniture, household equipment and a motor vehicle;

Provided, however, That ownership or possession of a home, homestead, or place of residence of applicant or recipient or his family shall not render such applicant or recipient ineligible to receive a grant;

Provided further, That proceeds from the sale or exchange of items enumerated in subsections (1), (2), and (3) or from the sale of the home, homestead, or place of residence of applicant or recipient or his family shall not, to the extent that such proceeds are used within a reasonable time for the purchase of property excluded in subsections (1), (2), and (3) hereof or for the purchase of a home, homestead, or place of residence of applicant or recipient, be considered a resource rendering applicant or recipient ineligible for a grant;

Provided, finally, That the ability of relatives or friends of the applicant or recipient to contribute to the support of applicant or recipient shall not be considered a resource.

Ability of
others to
support not
a resource.

SEC. 4. Eligibility. A Senior Citizen Grant shall be awarded to any person who:

(a) Has attained the age of sixty-five, and

(b) Has been a resident of the State of Washington for at least five years within the last ten, and

(c) Is not an inmate of a public institution of a custodial, correctional or curative character: *Provided*, That this shall not prevent the Department from paying a grant to meet the incidental and personal needs of a Senior Citizen who is an inmate of a county hospital or infirmary, and

(d) Has not made a voluntary assignment or transfer of property or cash for the purpose of qualifying for a Senior Citizen Grant, and

(e) Is in need; for the purpose of this act a person shall be considered to be in need who does not have income and resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to afford a reasonable subsistence in accordance with the minimum standards established by the Department pursuant to the budgetary guide provisions of section 5 (a) (1) of this act, which shall assure to each applicant or recipient of a Senior Citizen Grant, a standard of living of not less than \$60 per month.

SEC. 5. How and When Grants Shall Be Paid. Grants shall be awarded on a uniform state-wide basis:

(a) To each eligible applicant or recipient for the purpose of assisting him to meet his needs, *Provided*:

(1) That such grant when added to his income shall equal not less than \$60 a month. In order to determine a Senior Citizen's needs, the Department shall establish objective budgetary guides based upon actual living cost studies of the items of the budget. Such living cost studies shall be renewed or revised at least semi-annually, and new standards of assistance reflecting current living costs shall determine budgets of need. The budgetary guide shall in-

clude the cost of basic items essential to the maintenance of the Senior Citizen, and shall make provision for other items, including but not limited to, telephone, transportation, laundry and dry cleaning, and ice, which though not common to all may be essential to the maintenance of a wholesome standard by certain Senior Citizens;

- (2) That each Senior Citizen, whether living alone or in some joint living arrangement, found to be without any resources and income shall receive a grant of not less than \$60 per month;
- (3) That upon any determination or redetermination of the needs of any applicant or recipient, the Department shall inform such Senior Citizen of the amount of the grant and the basis upon which it is determined;
- (4) That upon approval of an application, the grant shall be paid as of the date of application, except that in the case of an applicant not yet 65, such applicant may apply 30 days in advance of reaching his 65th birthday, and if found eligible his grant shall be paid commencing on his 65th birthday.

Lower age limit for Federal matching funds.

(b) In the event that the Federal government lowers the age limit at which matching funds will be granted for Senior Citizen Grants, the state shall award Senior Citizen Grants to persons of that age on the same conditions and terms as set out in the rest of this act for Senior Citizens over 65 years of age.

Increase in Federal matching funds.

(c) In the event that the Federal government increases its contribution to the expenditures for Senior Citizen Grants, the Department shall take full advantage of any such increases in the payment of Senior Citizen Grants.

Senior citizen in county hospital.

(d) To each Senior Citizen in a county hospital or infirmary whose general subsistence is provided for, but whose needs of a personal or incidental character are not provided for, the Department shall award a grant to meet his needs of a personal or incidental character.

Application for grants.

SEC. 6. *Applications.* Application for a grant shall be made to an authorized agency of the Depart-

ment by the applicant or by another on his behalf, shall be reduced to writing upon standard forms prescribed by the Department, and a copy of the application upon such standard form shall be given to each applicant at the time of making application. An inmate of any public institution may apply for a grant while in such institution, and except as otherwise provided in subsection (d) of section 5, shall, if found otherwise eligible, be awarded a grant as of the date of his leaving such institution.

Grants to inmates of public institutions.

SEC. 7. *Investigation.* Whenever the Department or an authorized agency thereof receives an application for a grant an investigation and record shall be promptly made of the facts supporting the application. The Department shall be required to approve or deny the application within thirty days after the filing thereof and shall immediately notify the applicant in writing of its decision: *Provided,* That if the Department is not able within thirty days, despite due diligence, to secure all information necessary to establish his eligibility, the Department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the Department shall pay his grant from date of application.

Investigation record.

Action within 30 days.

SEC. 8. *Fair Hearings on Grievances.* Any applicant or recipient feeling himself aggrieved by the decision of the Department or any authorized agency of the Department shall have the right to a fair hearing to be conducted by the Director of the Department or by a duly appointed, qualified and acting Supervisor thereof, or by an examiner especially appointed by the Director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the Depart-

Hearings by Director.

Transcript made.

Copy to
appellant.

ment. A copy of this transcript shall be given the appellant.

Notice of
appeal.

Any appellant who desires a fair hearing shall within sixty days after receiving notice of the decision of the Department or an authorized agency of the Department, file with the Director a notice of appeal from the decision. It shall be the duty of the Department upon receipt of such notice to set a date for the fair hearing, such date to be not more than thirty days after receipt of notice. The Department shall notify the appellant of the time and place of said hearing at least five days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the Department.

Notice of
hearing.Attorney
may
examine
record.

At any time after the filing of the notice of appeal with the Director, any appellant or attorney, or authorized agent of the appellant shall have the right of access to, and can examine any files and records of the Department in the case on appeal.

Notice of
decision.

It shall be the duty of the Department within thirty days after the date of the hearing to notify the appellant of the decision of the Director and the failure to so notify the appellant shall constitute an affirmation of the decision of the Department.

Appeal
to Superior
Court.

SEC. 9. *Court Appeals.* In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in the foregoing section, he shall have the right to appeal to the Superior Court of the County of his legal residence, which appeal shall be taken by a notice filed with the Clerk of the Court and served upon the Director either by registered mail or by personal service within sixty (60) days after the decision of the Department has been affirmed or modified as provided in the foregoing section. Upon receipt of the notice of appeal, the Clerk of the Superior Court shall

Notice of
appeal.

Time limit.

immediately docket the case for trial and no filing fee shall be collected of the appellant.

No filing fee.

Within ten (10) days after being served with a notice of appeal, the Director 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.

Director to file record.

The Court shall decide the case on the record. In the event the Court finds that for any reason additional testimony should be taken to complete the record, the Court may direct the taking of such additional testimony before the Department. After the taking of such additional testimony, the Director may modify his decision if warranted in doing so by such additional testimony. The findings of the Director as to the facts shall be conclusive unless the Court determines that such findings are without support in the evidence in the record.

Decision on record.

Findings of Director conclusive.

The Court may affirm the decision of the Director or may modify or reverse any decision of the Director where it finds the Director has acted arbitrarily, capriciously, or contrary to law and remand the cause to the Director for further proceedings in conformity with the decision of the Court. 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 by the rules of Court applicable to civil appeals: *Provided, however,* That no bond shall be required on any appeal under this act. In the event that either the Superior Court or the Supreme Court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the Director or of the Court is made in favor of the appellant, assistance shall be paid from date of application, or in the case of a recipient, from the effective date of the decision from which he has appealed.

Judgment.

Appeal to Supreme Court.

No appeal bond.

Attorney's fees for applicant.

Effective date of assistance.

Department
authorized to
make rules.

SEC. 10. *Rules and Regulations.* The Department is hereby authorized to make rules and regulations not inconsistent with the provisions of this act to the end that this act shall be administered uniformly throughout the state, and that the spirit and purpose of this act may be complied with. Such rules and regulations shall be filed with the Secretary of State thirty (30) days before their effective date, and copies shall be available to the public upon request.

Rules
filed with
Secretary
of State.

Proof of
age and
residence.

SEC. 11. *Age and Length of Residence Verification.* Proof of age and length of residence in the state of any applicant may be established as provided by the rules and regulations of the Department: *Provided,* That if an applicant is unable to establish proof of age or length of residence in state by any other method he may make a statement under oath of his age on the date of application or the length of his residence in the state, before any Judge of the Superior Court or any Justice of the Supreme Court of the State of Washington, and such statement shall constitute sufficient proof of age of applicant or of length of residence in the state: *Provided, however,* That any applicant who shall wilfully make a false statement as to his age or length of residence in the state under oath before a Judge of the Superior Court or a Justice of the Supreme Court, as provided above, shall be guilty of a felony.

False
statement
a felony.

Liens on
property
prohibited.

SEC. 12. *Liens on Property Prohibited.* Senior Citizen Grants awarded to an applicant under the laws of the State of Washington shall not be recoverable as a debt due the state, except where such funds have been received by the applicant contrary to law, or by fraud or deceit. Any and all claims accrued under the provisions of section 6, chapter 288, Laws of 1947, and under the provisions of section 24, chapter 216, Laws of 1939, as amended, or under any

Claims void.

other statute are hereby renounced and declared to be null and void, except those claims which have accrued or which shall accrue on the basis of grants which have been received contrary to law, or by fraud or deceit.

SEC. 13. *Funeral Expenses.* Upon the death of any recipient under this act, funeral expenses in the sum of \$100 shall be paid by the Department toward the total cost of the funeral.

Funeral expenses.

SEC. 14. A copy of all laws relating to the application and granting of Senior Citizen Grants shall be given to each applicant when he applies.

Copy of laws given upon request.

SEC. 15. *Additional Care.* In addition to Senior Citizen Grants, each recipient who is in need of medical and dental and other care to restore his health shall receive:

Additional care.

(a) Medical and dental care by a practitioner of any of the healing arts licensed by the State of Washington of recipient's own choice.

Medical and dental care.

(b) Nursing care in applicant's home and hospital care as prescribed by applicant's doctor, and ambulance service.

Nursing and hospital care.

(c) Medicine, drugs, optical supplies, glasses, medical and pharmaceutical supplies, artificial limbs, hearing aids, and other appliances prescribed as necessary: *Provided*, That when Federal matching funds become available for this program, it shall be the duty of the state to accept such matching funds; until such time this section shall be financed from state and county funds.

Medical supplies.

Federal matching funds.

SEC. 16. The provisions of this act shall apply in other categories of public assistance in the following manner:

Provisions shall apply to other categories.

(a) The provisions of section 3 (g), and of sections 7, 8, 9, 10, 11, 12, 13, 14 and 15 shall apply equally in all categories of public assistance.

Blind grants.

(b) The provisions of section 3 (h) and section 4 (b), (c), (d) and (e), and section 5 (a) (1), (2) and (3), and section 5 (c) and (d) of this act shall apply in determining eligibility for and the amount of Aid to Blind Grants.

Aid to dependent children.

(c) The provisions of section 3 (h) shall apply in determining eligibility for Aid to Dependent Children Grants.

General assistance.

(d) The provisions of section 3 (h), with the exception of 3 (h) (2), shall apply in determining eligibility for general assistance.

Children Grants and General Assistance.

(e) Section 4 (e) and section 5 (a) (1) shall apply to applicants for and recipients of Aid to Dependent Children Grants or General Assistance to the following limited extent: In determining the needs and computing the size of grants of applicants and recipients, standards of need shall be applied, and the same budgetary standards of assistance established in section (a) (1), within respective categories of need, shall be followed: *Provided*, That in computing grants to two or more recipients of Aid to Dependent Children or General Assistance, who have joint living arrangements grants may be computed on a family basis, *And further provided*, That this shall not be construed as establishing a \$60 minimum monthly grant for each recipient of Aid to Dependent Children Grants or General Assistance.

Residence requirement for General Assistance.

(f) The Department shall establish residence requirements for General Assistance, but in no event shall the Department impose a requirement of longer than one year's residence in the state, and shall have the power and is hereby instructed to make special provisions for emergency cases where the applicant for General Assistance has less than one year's residence.

Partial invalidity.

SEC. 17. If any portion, section or clause of this act, shall be declared or found to be invalid by any Court of competent jurisdiction, such adjudication

shall not affect the remainder of this act. If any plan of administration of this act submitted to the Federal Security Agency shall be found to be not in conformity with the Federal Social Security Act by reason of any conflict of any section, portion, clause or part of this act and the Federal Social Security Act, such conflicting section, portion, clause or part of this act is hereby declared to be inoperative to the extent that it is so in conflict, and such finding or determination shall not affect the remainder of this act.

Conformity
with Federal
Security Act.

SEC. 18. *Codification of Public Assistance Laws.* It is the intent of the people of the State of Washington in enacting this measure that all laws of the state relating to public assistance, including this act, shall be codified to eliminate duplication, provide uniformity and otherwise simplify such laws, and the enactment of this measure shall not be construed to prohibit the rearranging, renumbering or otherwise changing the order or form of this act without changing the substance thereof.

Codification
of Public
Assistance
Laws.

SEC. 19. The Legislature shall appropriate an amount sufficient to carry out the purposes of this act.

Legislature
to
appropriate

SEC. 20. The following, being in conflict with this act, are hereby repealed: Section 5, chapter 1, Laws of 1941, as last amended by section 4, chapter 288, Laws of 1947; section 12, chapter 1, Laws of 1941 as amended by section 6, chapter 288, Laws of 1947; section 17, chapter 216, Laws of 1939 as last amended by section 3, chapter 289, Laws of 1947; section 5, chapter 289, Laws of 1947; and all other acts or parts of acts in conflict herewith are also hereby repealed.

Repealing
clause.

SEC. 21. The effective date of this act shall be January 1, 1949, and grants payable hereunder shall be paid as of January 1st, 1949.

Effective
date
of act.

Appropriation.

SEC. 22. In order to provide for the operation of this act until such time as the Legislature shall have had an opportunity to make an adequate appropriation, there is hereby appropriated for the remainder of the biennium the sum of six million five hundred thousand dollars (\$6,500,000), or so much thereof as may be necessary, from the General Fund.

Filed in the office of Secretary of State February 26, 1948.

Passed by vote of the people November 2, 1948, at the general election.

Proclamation signed by the Governor December 2, 1948.

CHAPTER 7.

[H. B. 50.]

APPROPRIATION—TEMPORARY PUBLICATION OF
SESSION LAWS.

AN ACT appropriating the sum of ten thousand nine hundred dollars (\$10,900), or so much thereof as may be necessary for the temporary publication of Session Laws of the Thirty-first Session of the Washington State Legislature, and declaring an emergency.

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

Appropriation for temporary publication of Session Laws.

SECTION 1. There is hereby appropriated out of the General Fund the sum of ten thousand nine hundred dollars (\$10,900), or so much thereof as may be necessary for the printing and mailing of the temporary publication of the Session Laws of the Thirty-first Session of the Washington State Legislature.

Emergency.

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 public institutions and shall take effect immediately.

Passed the House January 18, 1949.

Passed the Senate January 24, 1949.

Approved by the Governor January 27, 1949.

CHAPTER 8.

[H. B. 68.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF
SOCIAL SECURITY.

AN ACT making a deficiency appropriation for assistance, medical care and appliances, as provided by law, for the Department of Social Security, and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriation made by the Thirtieth Regular Session of the Legislature, the sum of eighteen million seven hundred seven thousand four hundred eight dollars (\$18,707,408), or so much thereof as shall be found necessary, is hereby appropriated out of moneys in the General Fund of the state treasury for the fiscal biennium beginning April 1, 1947, and ending March 31, 1949, for the purposes herein designated below:

FOR THE DEPARTMENT OF SOCIAL SECURITY:

Old Age Assistance
Aid to Dependent Children and Foster Care
General Assistance
Medical Care and Appliances
Funerals

SEC. 2. 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 House January 19, 1949.

Passed the Senate January 24, 1949.

Approved by the Governor January 27, 1949.

CHAPTER 9.

[S. B. 4.]

COLUMBIA RIVER FISH SANCTUARY.

AN ACT relating to the protection of anadromous fish life in the rivers and streams tributary to the lower Columbia River and declaring an emergency.

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

Territorial limits.

Fish sanctuary established.

Restrictions imposed.

SECTION 1. All streams and rivers tributary to the Columbia River downstream from McNary Dam are hereby reserved as an anadromous fish sanctuary against undue industrial encroachment for the preservation and development of the food and game fish resources of said river system and to that end there shall not be constructed thereon any dam of a height greater than twenty-five (25) feet that may be located within the migration range of any anadromous fish as jointly determined by the Director of Fisheries and the Director of Game, nor shall waters of the Cowlitz River or its tributaries or of the other streams within the sanctuary area be diverted for any purpose other than fisheries in such quantities that will reduce the respective stream flows below the annual average low flow, as delineated in existing or future United States Geological Survey reports: *Provided*, That when the flow of any of the streams referred to in this section is below the annual average, as delineated in existing or future United States Geological Survey reports, water may be diverted for use, subject to legal appropriation, upon the concurrent order of the Director of Fisheries and Director of Game.

Duties of Directors of Fish and Game.

SEC. 2. It shall be the duty of the Director of Fisheries and the Director of Game, to acquire and abate any dam or other obstruction, or to acquire any water-right which may have become vested on any streams or rivers tributary to the Columbia River downstream from McNary Dam which may

be in conflict with the provisions of section 1 herein. Any condemnation action necessary under the provisions of this act shall be instituted under the provisions of chapter 120, Laws of 1947, and in the manner provided for the acquisition of property for public use of the state.

Condemnation.

SEC. 3. The provisions of this act shall not apply to the waters of the North Fork of the Lewis River, nor the White Salmon River (Big White Salmon River).

Excluded from act.

SEC. 4. This act is necessary for the immediate support of the government of the State of Washington and its existing public institutions, and shall take effect April 1, 1949.

Emergency.

Passed the Senate February 9, 1949.

Passed the House February 8, 1949.

Approved by the Governor February 14, 1949.

CHAPTER 10.

[S. B. 68.]

GOVERNOR'S SIGNATURE BY PROXY.

AN ACT relating to state government and authorizing the Governor to sign certain notarial papers by proxy.

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

Governor's
signature
by proxy.

SECTION 1. The Governor may designate an executive assistant on his staff who shall have authority to affix the Governor's signature to the commission issued to any notary public or any other notarial paper requiring his signature. In affixing the Governor's signature, the person designated may sign the Governor's name either personally in writing or by facsimile reproduction, followed by the word "By" and the original signature of the person so designated. The Governor's signature so affixed shall be valid for all purposes.

Signature
valid for all
purposes.

Passed the Senate February 14, 1949.

Passed the House February 10, 1949.

Approved by the Governor February 15, 1949.

CHAPTER 11.

[H. B. 38.]

CARE AND SUPPORT OF MINORS.

AN ACT relating to probate, authorizing an award for the support of minor children and amending section 105, chapter 156, Laws of 1917.

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

SECTION 1. Section 105, chapter 156, Laws of 1917, is amended to read as follows: Amendment.

Section 105. If there be no surviving spouse, the court shall award and set aside to the minor child or children, if any, and in such proportions as he considers proper, property of the estate as the court may consider necessary for the care and support of said minor or minors until they become of legal age, not exceeding in value the amount which the court is now or hereafter empowered to award to a surviving spouse. Care and support of minors.
Maximum amount.

Passed the House February 10, 1949.

Passed the Senate February 9, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 12.

[H. B. 43.]

LOCATION OF QUARTZ OR LODGE MINING CLAIMS.

AN ACT relating to and prescribing requirements for the location and relocation of quartz or lode mining claims; amending sections 2 and 8 of chapter 45, Laws of 1899.

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

SECTION 1. Section 2, chapter 45, Laws of 1899, is amended to read as follows: Amendment.

Section 2. Before filing such notice for record, the discoverer shall locate his claim by first sinking Requirements for location.

Sinking
discovery
shaft.

a discovery shaft upon the lode, to the depth of ten (10) feet from the lowest part of the rim of such shaft at the surface, or in lieu thereof perform at

Development
work in lieu
of sinking
shaft.

least an equal amount of development work within the borders of said claim, and shall post at the discovery at the time of discovery a notice containing

Boundaries.

the name of the lode, the name of the locator or locators, and the date of discovery, and shall mark the surface boundaries of the claim by placing sub-

Monuments.

stantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three (3) feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

Amendment.

SEC. 2. Section 8 of chapter 45, Laws of 1899, is hereby amended as follows:

Require-
ments for
relocating
claim.

Section 8. The relocation of a forfeited or abandoned quartz or lode claim shall only be made by sinking a new discovery shaft, or in lieu thereof performing at least an equal amount of development

New
boundaries.

work within the borders of the claim, and fixing new boundaries in the same manner and to the same extent as is required in making a new location, or the relocater may sink the original discovery shaft ten feet deeper than it was at the date of commencement of such relocation, and shall erect new, or make the old monuments the same as originally required; in either case a new location monument shall be erected.

Monuments.

Passed the House January 26, 1949.

Passed the Senate February 9, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 13.

[S. H. B. 45.]

OLEOMARGARINE AND BUTTER SUBSTITUTES.

AN ACT relating to oleomargarine and butter substitutes, the manufacture, content, advertising, sale, taxation and use thereof, and to prevent confusion, fraud and deceit in connection therewith; and repealing section 5, chapter 43, Laws of 1899, chapter 136, Laws of 1937, and chapter 23, Laws of 1931.

PREAMBLE.

Yellow oleomargarine resembles butter so closely Preamble. that it lends itself readily to substitution for or confusion with butter and in many cases cannot be distinguished from butter by the ordinary consumer. The manufacture, sale or serving of yellow oleomargarine creates a condition conducive to substitution, confusion, deception and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state.

It is hereby declared to be the purpose of this act to correct and eliminate the condition above referred to, protect the public from confusion, fraud and deception, prohibit practices inimical to the general welfare, and promote the orderly and fair marketing of essential foods, without an additional tax burden.

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

SECTION 1. (a) The term "oleomargarine" as used in this act includes: "Oleomargarine" defined.

(1) All substances, mixtures and compounds known as oleomargarine, margarine, oleo or butterine;

(2) All substances, mixtures and compounds which have a consistency similar to that of butter and which contain any edible oils or fats other than milk fat, if (a) made in imitation or semblance of butter, or purporting to be butter or a butter sub-

stitute; or (b) commonly used, or intended for common use, in place of or as a substitute for butter; or (c) churned, emulsified or mixed in cream, milk, skim milk, buttermilk, water or other liquid and containing moisture in excess of one per centum and commonly used, or suitable for common use, as a substitute for butter.

"Yellow oleomargarine" defined.

(b) For the purposes of this act "yellow oleomargarine" is oleomargarine as defined in subsection (a) of this section, having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement when the Lovibond tintometer is read under conditions similar to those established by the United States Bureau of Internal Revenue.

Use of yellow oleomargarine prohibited.

SEC. 2. (a) The manufacture, transportation, handling, possession, sale, use or serving of yellow oleomargarine is hereby prohibited: *Provided, however,* That nothing herein contained shall be construed to prohibit the use of yellow oleomargarine in private homes.

Use of dairy terms prohibited.

(b) It shall be unlawful in connection with the labeling, selling or advertising of oleomargarine to use dairy terms, or words or designs commonly associated with dairying or dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling.

Powers and duties of the Director of Agriculture.

SEC. 3. The Director of Agriculture is authorized and directed to administer and supervise the enforcement of this act; to prescribe rules and regulations to carry out its purposes; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions, or both. The provisions of this act and

the rules and regulations issued in connection therewith may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and yellow oleomargarine illegally held or otherwise involved in a violation of this act or of said rules and regulations shall be subject to seizure and disposition in accordance with an order of court.

SEC. 4. Any person, firm or corporation that violates any of the provisions of this act, or of the rules and regulations issued in connection therewith, and any officer, agent or employee thereof who directs or knowingly permits such violation, or who aids or assists therein, shall be guilty of a misdemeanor.

Penalties for violations.

SEC. 5. Section 5, chapter 43, Laws of 1899, chapter 136, Laws of 1937 and chapter 23, Laws of 1931, are repealed.

Repealing clause.

Passed the House January 27, 1949.

Passed the Senate February 9, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 14.

[H. B. 115.]

VACATION OF STREETS AND ALLEYS.

AN ACT relating to the vacation of streets and alleys, and parts of streets and alleys, in incorporated cities and towns and amending section 2, chapter 84, Laws of 1901, by providing for the reservation of easements for public utilities.

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

SECTION 1. Section 2, chapter 84, Laws of 1901, is amended to read as follows: Amendment.

Section 2. At the time appointed for the hearing of said petition or at such time as the time may be adjourned to by the city council, the same shall be heard, and if the council shall determine to grant said petition or any part thereof, such city or town

Vacation by ordinance.

Easement
rights
retained.

shall be authorized and have authority by ordinance to vacate such street, or alley or any part thereof: *Provided*, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services.

Passed the House January 28, 1949.

Passed the Senate February 9, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 15.

[H. B. 194.]

BURIAL OF MINOR CHILDREN OF INDIGENT VETERANS.

AN ACT providing for the burial of indigent minor children of veterans and amending section 6, chapter CXVII, Laws of 1888, as last amended by section 6, chapter 180, Laws of 1947 (Rem. 1947 Supp. 10757).

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

Amendment.

SECTION 1. Section 6, chapter CXVII, Laws of 1888, as last amended by section 6, chapter 180, Laws of 1947 (Rem. 1947 Supp. 10757), is hereby amended to read as follows:

Interment
at county
expense.

Section 6. It shall be the duty of the Board of County Commissioners in each of the counties in this state to designate some proper authority other than the one designated by law for the care of paupers and the custody of criminals who shall cause to be interred at the expense of the county the body of any honorably discharged soldier, sailor or marine who served in the Army or the Navy of the United States of America during the late Civil War or in the war with Mexico or in any of the Indian wars that occurred in the State of Washington, or the Spanish-American war and the Philip-

Eligibility
require-
ments.

pine insurrection, soldiers, sailors and marines who served in the United States Army, Navy or Marine Corps between April 6, 1917, and the date upon which peace is finally concluded with the German Government and its allies, or soldiers, sailors and marines who served in the Army, Navy or Marine Corps of the United States in any other foreign war, insurrection or expedition which service shall be governed by the issuance of a campaign badge by the government of the United States of America, or any member of the armed forces of the United States in the existing war between the United States and Germany and her allies or the existing war between the United States and Japan and her allies, and the wives, husbands, minor children, widows or widowers of such soldiers, sailors or marines, who shall hereafter die without leaving means sufficient to defray funeral expenses; and when requested so to do by the commanding officer or any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of Congress or the relief committee of any such posts, camps or chapters: *Provided, however,* That such interment shall not cost more than one hundred eighty dollars. If the deceased has relatives or friends who desire to conduct the burial of such deceased person, then upon request of said commander or relief committee a sum not to exceed one hundred eighty dollars shall be paid to said relatives or friends by the County Treasurer, upon due proof of the death and burial of any person provided for by this section and proof of expenses incurred.

Expense
limitation.

Payment to
relatives.

Passed the House February 2, 1949.

Passed the Senate February 11, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 16.

[H. B. 230.]

MARRIAGE AND DIVORCE CERTIFICATES
OF VETERANS.

AN ACT directing County Clerks and County Auditors to furnish free of charge marriage and divorce certificates for use in connection with claims affecting deceased veterans.

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

Certificates furnished free of charge.

SECTION 1. County Clerks and County Auditors, respectively, are authorized and directed to furnish free of charge to the legal representative, surviving spouse, child or parent of any deceased veteran certified copies of marriage certificates, decrees of divorce or annulment, or other documents contained in their files affecting the marital status of such veteran whenever any such document shall be required in connection with any claim pending before the United States Veterans' Bureau or other governmental agency administering benefits to war veterans.

Passed the House February 4, 1949.

Passed the Senate February 11, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 17.

[S. B. 15.]

STATE OFFICERS' AND EMPLOYEES'
EXPENSE ALLOWANCE.

AN ACT relating to state officers and amending sections 1 and 2, chapter 86, Laws of 1943 (1943 Rem. Supp. secs. 10981-1 and 10981-2).

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

Amendment.

SECTION 1. Section 1, chapter 86, Laws of 1943 (1943 Rem. Supp., sec. 10981-1) is amended to read as follows:

Per diem rates.

Section 1. The heads of all state departments may prescribe per diem rates of allowance, not

exceeding seven dollars (\$7) in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the State of Washington or an adjoining state, and not exceeding nine dollars (\$9) per day while engaged on official business elsewhere.

SEC. 2. Section 2, chapter 86, Laws of 1943 (1943 Rem. Supp., sec. 10981-2) is amended to read as follows: Amendment.

Section 2. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than by a common carrier, he shall be allowed a mileage rate not to exceed eight cents (8¢) a mile. Mileage rate for private cars.

Passed the Senate January 19, 1949.

Passed the House February 10, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 18.

[S. B. 43.]

RHODODENDRON, OFFICIAL STATE FLOWER.

AN ACT designating the Rhododendron (*Californicum*) as the official flower of the State of Washington.

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

SECTION 1. That the Rhododendron (*Californicum*) be, and the same is hereby designated as, the official flower of the State of Washington. Official state flower.

Passed the Senate February 11, 1949.

Passed the House February 10, 1949.

Approved by the Governor February 16, 1949.

CHAPTER 19.

[S. B. 59.]

APPROPRIATION—PUBLIC HIGHWAYS.

AN ACT relating to public highways, making appropriations therefor from the Motor Vehicle Fund, and declaring an emergency.

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

Appropriation to cities and towns.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to incorporated cities and towns, the sum of six hundred thousand dollars (\$600,000), or as much thereof as shall become available, to be paid out and expended in the manner provided by law.

Appropriation to counties.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the various counties of the state, including counties composed entirely of islands, the sum of one million seven hundred thousand dollars (\$1,700,000), or as much thereof as shall become available, to be paid out and expended in the manner provided by law.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of 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 January 26, 1949.

Passed the House February 11, 1949.

Approved by the Governor February 21, 1949.

CHAPTER 20.

[H. B. 39.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; regulating their organization, management, savings, dividends, investments, liquidation and conversion; amending sections 4, 12, 50, 57, 67, 69, 102, 116, and section 52 as amended, chapter 235, Laws of 1945.

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

SECTION 1. Section 4, chapter 235, Laws of 1945, Amendment. (section 3717-123, Rem. Supp. 1945) is amended to read as follows:

Section 4. Such persons shall subscribe and acknowledge articles of incorporation in quadruplicate, which articles shall specifically state: Contents of articles of incorporation.

(a) The name of the association, which shall include the words "Savings Association" and may include the words "and Loan";

(b) The city or town and county in which it is to have its principal place of business;

(c) The name, occupation, and place of residence of each incorporator;

(d) Its purposes;

(e) Its duration, which may be for a stated number of years or perpetual;

(f) The amount of paid-in savings with which the association will commence business;

(g) The first directors (not less than seven), with their respective occupations and post office addresses.

The articles of incorporation may contain any other provisions consistent with the laws of this state and the provisions of this act pertaining to the association's business or the conduct of its affairs.

SEC. 2. Section 12, chapter 235, Laws of 1945, Amendment. (section 3717-131, Rem. Supp. 1945) is amended to read as follows:

Members' proportionate proprietary interest.

Section 12. Each member having savings in an association shall have a proportionate proprietary interest in its assets or net earnings subordinate to the claims of its other creditors. Each borrower and each contract purchaser indebted to an association shall also be a member thereof but, as such, shall have no interest in its assets. At any meeting of the members of an association, each member shall be entitled to at least one vote. An association, by its by-laws, may provide that each savings member shall be entitled to one vote for each one hundred dollars (\$100) of his savings account. At any meeting of the members, voting may be in person or by proxy. Proxies shall be in writing and signed by the member and, when filed with the secretary, shall continue in force until revoked or superseded by subsequent proxies. Written notice of the time and place of the holding of special meetings (other than the regular annual meeting) shall be mailed to each member at his last known address not more than thirty (30) days, nor less than 10 days prior to the meeting. The regular annual meeting of the association shall be announced by publication of a notice thereof in a newspaper published in the city or town, or, if the association is not in a city or town, in the county in which the association is located at least ten (10) days prior to the date of such meeting, or by ten (10) days' written notice to the members mailed to the last known address of each member.

Voting.

Proxies.

Annual meeting.

Amendment.

SEC. 3. Section 50, chapter 235, Laws of 1945, (section 3717-169, Rem. Supp. 1945) is amended to read as follows:

Section 50. As of June 30 and December 31 of each year the net earnings of the association shall be determined and placed in an account to be known as undivided profits or unallocated reserve account from which shall be transferred to the contingent

Undivided profit fund.

fund the amount required and to other reserve accounts additional amounts as the directors may deem expedient for the security of the members. The Board of Directors shall as of close of business on June 30 and December 31 declare dividends from the amount thereafter remaining in the undivided profits (or unallocated reserve) account including any amounts remaining in said account from previous semiannual periods.

Dividends.

An association may not be required to pay dividends on balances of less than five dollars (\$5.00).

SEC. 4. Section 52, chapter 235, Laws of 1945, as amended (section 3717-171, Rem. Supp. 1947) is amended to read as follows:

Amendment.

Section 52. Any Federal insurance reserve fund of an association may be incorporated into the contingent fund. Whenever the aggregate of the contingent fund, undivided profits account and other reserves except those allocated for specific losses, shall exceed ten per cent (10%) of the amount of members' savings of an association, the credits to the contingent fund as set forth in section 51 shall not be required.

Credits to contingent fund.

SEC. 5. Section 57, chapter 235, Laws of 1945, (section 3717-176, Rem. Supp. 1945) is amended to read as follows:

Amendment.

Section 57. Every association shall have on hand at all times in available funds, to enable it to pay withdrawals in excess of receipts and to meet accruing expenses, a sum not less than three per cent (3%) of the aggregate of the savings accounts of its members. Such funds shall consist of cash on hand and balances due from or checks in transit for collection from solvent banks, including funds deposited on time or demand with the Federal Home Loan Bank of which the association is a stockholder.

Cash reserve required.

In addition, every association shall have on hand at all times, either in cash or in bonds or obligations

Assets
required to
be on hand.

authorized by sections 59 to 61 of this act, which cash, bonds or other obligations shall not be pledged or otherwise held as security for the payment of any obligations of the association, as follows:

Seven per cent (7%) of the aggregate of the savings accounts of its members, if the principal place of business of the association shall be in a city or town having a population of not more than twenty-five thousand (25,000) persons;

Nine per cent (9%) of such savings accounts, if such principal place of business shall be in a city having a population in excess of twenty-five thousand (25,000) persons and of not more than two hundred thousand (200,000) persons; and

Eleven per cent (11%) of such savings accounts, if such principal place of business shall be in a city having a population of more than two hundred thousand (200,000) persons.

Loans dis-
continued.

Whenever an association shall have on hand less available funds or bonds or obligations than are hereinabove required or when it shall owe borrowed money in an amount equal to one-half of its legal borrowing capacity as fixed by the Federal Home Loan Bank of which the association is a stockholder, it shall discontinue the making of any loans or other 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.

Amendment.

SEC. 6. Section 67, chapter 235, Laws of 1945, (section 3717-186, Rem. Supp. 1945) is amended to read as follows:

Real estate
mortgages.

Section 67. An association may invest its funds in loans secured by first mortgages on improved real estate, subject to the following conditions and restrictions:

50% of value
of security.

(1) No mortgage loan shall be made in excess of fifty per cent (50%) of the value of the security

unless its terms require the payment of the principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than twenty-five (25) years, beginning within one (1) year and continuing until the loan is reduced to fifty per cent (50%) or less of the value of the security as then determined upon a re-appraisal. No loan upon which payments in reduction of principal are not being made at least annually shall continue for more than five (5) years, unless, at the expiration of each five (5) year period, it shall be re-appraised and the loan reduced to an amount not in excess of fifty per cent (50%) of the new appraised value.

(2) Notwithstanding any other provision of this act, an association may make any loan which is insured or guaranteed in whole or in part by the Federal housing administrator, the veterans' administration, or any other state or Federal agency, or for which said administrator, administration, or agency has issued commitment to insure or guarantee such loan.

Federal
guaranteed
loans.

(3) Loans not so insured or guaranteed shall not be in excess of:

(a) Eighty per cent (80%) of the appraised value, if secured by a first mortgage lien on property on which is situated a dwelling not over thirty (30) months old.

(b) Sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) of the appraised value, if secured by a first mortgage lien on property on which is situated a dwelling not over fifteen (15) years old or which is fully repaired and modernized at the time the loan is made.

(c) Sixty per cent (60%) of the appraised value, if secured by a first mortgage lien on property improved with a dwelling or apartment building other than as above described.

(d) Fifty per cent (50%) of the appraised value, if secured by a first mortgage lien on property im-

proved with a building or buildings other than as above described.

(4) Notwithstanding the provisions of this section, an association may make any loan which is permitted to a Federal Savings and Loan Association doing business in this state.

Amendment. SEC. 7. Section 69, chapter 235, Laws of 1945, (section 3717-188, Rem. Supp. 1945) is amended to read as follows:

Note and mortgage of borrower.

Section 69. For every mortgage loan, the borrower shall execute a note and a mortgage which shall constitute a first lien upon a fee estate in improved real property. For such loan, the appraised value shall be the value of the land and the permanent improvements thereon. Appraisals for loan purposes shall be made by two appraisers appointed by the Board of Directors, either or both of whom, if qualified, may be directors of the association. In cases of loans insured or guaranteed in whole or in part by a government agency one such appointed appraiser shall suffice.

Appraisal. Every appraisal shall be made in writing, shall state that each appraiser has personally examined said property, has no personal interest therein, the conservative value of the property as so determined, and shall be signed by the appraisers. Such appraisal shall be filed with the association, before any mortgage loan shall be made.

Approval by directors.

Every mortgage loan, before making, shall be approved by the directors of the association or by a loan committee of the directors appointed for the purpose.

Amendment. SEC. 8. Section 74, chapter 235, Laws of 1945, (section 3717-193, Rem. Supp. 1945) is amended to read as follows:

Section 74. An association may invest a reasonable amount of its funds in real property or lease-

hold interests therein for use in the transaction of its business when:

Real property for office for business.

(1) the aggregate of its contingent fund, surplus, and undivided profits accounts equals five per cent (5%) of the aggregate of its savings accounts;

(2) its directors, by unanimous vote, approve the making of such investment; and

(3) the total investment in such property does not exceed seven and one-half per cent (7½%) of the aggregate of its savings accounts.

The foregoing restrictions of this section shall not affect existing investments of associations. No association may invest its funds in real property or leasehold interests therein for use in the transaction of its business without the prior written approval of the Supervisor.

Any real estate, except that used for the transaction of its business which is not sold by an association within five years from and after the time title is acquired, shall be depreciated at not less than ten per cent (10%) of the book value at the close of each annual period, unless an extension of time be granted by the Supervisor.

SEC. 9. Section 102, chapter 235, Laws of 1945, (section 3717-218, Rem. Supp. 1945) is amended to read as follows:

Amendment.

Section 102. Any domestic association may determine to enter upon voluntary liquidation, to transfer its assets and liabilities to another association, to merge with another association, to segregate its assets into classes, to charge off its losses in excess of its reserves.

Liquidation or merger.

Any such liquidation, transfer, merger, segregation, or charge-off shall be effected by the vote of a majority in amount of the members present, in person or by proxy, at any regular or special meeting of the members called for such purpose. Notice of such meeting, stating the purpose thereof, shall be

Notice of meeting.

given the Supervisor at least thirty (30) days prior to the meeting and to the members pursuant to the provisions contained in section 12.

If such liquidation, transfer, merger, segregation, or charge-off be authorized by the members at the meeting, the directors of the association are authorized and shall effect such action, and the officers of the association shall execute all proper conveyances, documents, and other papers necessary or proper thereunto.

Amendment.

SEC. 10. Section 116, chapter 235, Laws of 1945, (section 3717-235, Rem. Supp. 1945) is amended to read as follows:

Conversion
to Federal
association.

Section 116. Any domestic association may convert itself into a Federal Savings and Loan Association. Any such conversion shall be effected by the vote of a majority in amount of the members present, in person or by proxy, at any regular or special meeting of the members called for such purpose. Notice of such meeting, stating the purpose thereof, shall be given the Supervisor at least thirty (30) days prior to the meeting and to the members pursuant to the provisions contained in section 12.

If such conversion be authorized by the members at the meeting, the directors of the association are authorized and shall effect such action, and the officers of the association shall execute all proper conveyances, documents, and other papers necessary or proper thereunto.

If conversion be authorized, a copy of the minutes of the meeting shall be filed forthwith with the Supervisor.

Upon consummation of such conversion, the successor Federal Savings and Loan Association shall succeed to all right, title, and interest of the domestic association in and to its assets, and to its liabilities to the creditors and members of the association.

Upon such conversion, after the execution and delivery of all instruments of transfer, conveyance and assignment, the domestic association shall be deemed dissolved.

Passed the House February 4, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 21.

[H. B. 55.]

REBATE OF PROPERTY TAXES.

AN ACT relating to revenue and taxation; relating to the dates for payment of real and personal property taxes; reducing the rate of interest on delinquent property taxes; eliminating the rebate for early payment of property taxes and amending sections 83, 86 and 89, chapter 130, Laws Extraordinary Session, 1925, as amended, and declaring an emergency.

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

SECTION 1. Section 83, chapter 130, Laws Extraordinary Session 1925, as last amended by section 2, chapter 30, Laws of 1935, is hereby amended to read as follows: Amendment.

Section 83. The County Treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this act shall be due and payable to the Treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of eight per cent per annum shall be charged upon such unpaid taxes from the County Treasurer collects all taxes.
Date payable.
Delinquencies.
Interest.

Real property taxes.

Payment of $\frac{1}{2}$ on due date.

Personal property taxes.

Payment of $\frac{1}{2}$ on due date.

Collection of interest on delinquent taxes.

Costs of foreclosure and distraint.

Amendment.

date of delinquency until paid: *Provided*, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight per cent per annum shall be charged upon said remainder from the date of delinquency until paid: *Provided, further*, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight per cent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the costs of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the County Treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the County Treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

SEC. 2. Section 86, chapter 130, Laws of the Extraordinary Session of 1925, as last amended by

section 4, chapter 30, Laws of 1935, is hereby amended to read as follows:

Section 86. On the fifteenth day of February succeeding the levy of taxes, the County Treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same when due, he shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law 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 provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The County Treasurer, or his deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such Treasurer shall proceed to sell such property at public auction, or so much thereof as

Collection
of taxes.

Distraint

Property impractical of delivery.

Notice to owner.

Property leaving county.

shall be sufficient to pay such taxes, with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the Treasurer shall pay such overplus to the owner of the property so sold or to his legal representative: *Provided*, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the Treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the said Treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of said notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: *And provided further*, That if the County Treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the County Treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distrain sufficient goods and chattels to pay the same.

Amendment.

SEC. 3. Section 89, chapter 130, Laws of the Extraordinary Session of 1925, as last amended by section 43, chapter 206, Laws of 1939, is hereby amended to read as follows:

Section 89. 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 provided by law 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 provided by law 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.

Property
leaving state.

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 in the year in which payment or collection is made.

Property
removed
from county.

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.

Emergency.

SEC. 4. 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 January 1, 1950.

Passed the House February 17, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 22.

[H. B. 138.]

FIRE PROTECTION DISTRICT FUNDS.

AN ACT relating to fire protection districts and amending section 34, chapter 34, Laws of 1939, as last amended by section 9, chapter 254, Laws of 1947.

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

SECTION 1. Section 34, chapter 34, Laws of 1939, as last amended by section 9, chapter 254, Laws of 1947, is amended to read as follows: Amendment.

Section 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; (4) Reserve Fund; and (5) 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: *Provided*, That when this contract fund is equal to a 4 mill levy in the district the commissioners may use their discretion as to the distribution among any of the above named five funds of any additional money above the amount equal to a 4 mill levy in the district; the Board of Fire Commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose and until the same or any part thereof is transferred by the County

Funds created.

Deposits in in funds.

Expense fund.

Coupon warrant fund

Contract fund.

Reserve fund.

Local improvement fund.

Treasurer upon order of the Board of Fire Commissioners to any other appropriate fund of the district and taxes shall be levied therefor and all such taxes when collected by the County Treasurer shall be placed in the reserve 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.

Passed the House February 5, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 23.

[H. B. 173.]

HOLLINGSWORTH LAND EXCHANGE.

AN ACT relating to public lands and authorizing an exchange of certain property with Howard C. Hollingsworth.

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

Exchange of real property authorized.

Description of lands.

SECTION 1. Upon receipt by the State of Washington of a duly executed conveyance to the state of all the right, title and interest of Howard C. Hollingsworth, et ux., in and to all buildings on lots 1, 2, 3, 4, 5, 6, 7 and 8, block 3, Agricultural College Addition to the City of Pullman and upon being requested thereto by the regents of the State College of Washington, the Governor is hereby authorized to convey to Howard C. Hollingsworth the right, title and interest of the State of Washington in and to that parcel of real property now forming a part of the campus of said college lying in Whitman County, Washington, particularly described as follows:

That portion of the Agricultural College Addition, block 4, lots 2 through 9, inclusive, not previously

deeded the state for highway use or the county for county highway use. This property contains .44 acres.

Passed the House February 4, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 24.

[H. B. 174.]

CONVEYANCE TO SCHOOL DISTRICT NO. 307— WHITMAN COUNTY.

AN ACT relating to public lands and authorizing the conveyance of certain property to Reorganized School District No. 307, Whitman County.

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

SECTION 1. Upon being requested by the regents of the State College of Washington, the Governor is hereby authorized to convey to Reorganized School District No. 307, Whitman County, the right, title and interest of the State of Washington in and to that parcel of real property now forming a part of the campus of said college, lying in Whitman County, Washington, more particularly described as follows:

That tract of land of lot 23 of McGee Subdivision of the southeast quarter of section 32, township 15 north, range 45 E. W. M. Beginning at a point on the line between lots 22 and 23 of said subdivision, 837.6 feet south of a 1¼" iron pipe at the northwest corner of lot 23; thence south 1° 0' west along the line of lots 22 and 23, 180 feet; thence south 89° 0' east 50 feet; thence north 1° 0' east 180 feet; thence north 89° 0' west 50 feet, to the point of beginning and containing .2066 acres.

Passed the House February 4, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 25.

[H. B. 175.]

SALE OF LAND BY STATE COLLEGE.

AN ACT relating to public lands and authorizing the sale of certain properties by the Board of Regents of the State College of Washington.

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

Sale of public lands authorized.

SECTION 1. The Board of Regents of the State College of Washington is hereby authorized to sell all or any part or parts of the following described premises in Whitman County, State of Washington:

Description of lands.

All of the Sunset Heights Addition to the City of Pullman. The following portion of the Military Hill Additions to the City of Pullman; block 3, lots 7 through 12, inclusive; block 4, lots 5 through 7, inclusive; block 5, lots 7 through 12, inclusive; and block 6, lots 3 through 7, inclusive, at public or private sale under such terms and conditions and in such manner as it shall determine.

Disposition of proceeds.

SEC. 2. The proceeds from the sale of the properties described in section 1 of this act shall be first applied to the redemption of any bonds issued by the State College of Washington, pursuant to chapter 64, Laws of 1947, until the same have been redeemed in full and the balance of said monies shall be applied to the Washington State College Building Fund.

Passed the House February 4, 1949.

Passed the Senate February 16, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 26.

[S. B. 184.]

DIKING, DRAINAGE AND SEWER DISTRICTS.

AN ACT relating to diking, drainage and sewerage improvement districts; providing for maintenance of improvement systems therein, determination of benefits and apportionment of costs, levy and collection of assessments; and financing of costs by sale of bonds or warrants; repealing section 32, chapter 176, Laws of 1913, as amended; and declaring an emergency.

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

SECTION 1. As used in this act:

- | | Definitions. |
|--|----------------|
| (1) "Appraisers" means the Board of Appraisers; | "appraisers." |
| (2) "Supervisors" means the District Board of Supervisors; | "supervisors." |
| (3) "Board" means the Board of County Commissioners; | "board." |
| (4) "Auditor" means the County Auditor; | "auditor." |
| (5) "Treasurer" means the County Treasurer; | "treasurer." |
| and | |
| (6) "maintenance," "maintenance of the system of improvements," "maintenance work," and other terms of similar import, mean and include not merely operating expenses and such upkeep and other work commonly classed as maintenance as shall be necessary to restore and preserve the district's system of improvement and the machinery and equipment operated in connection therewith in the same or as good condition as when originally constructed and installed, but also: (1) the making of such changes in and betterments to the original works, improvements and installations as shall, subject to the approval of the Board, be by the Supervisors deemed necessary to put the system of improvements into such condition that it shall provide adequate drainage and protection from overflow for the lands within the district as contemplated and intended by the original construction and any enlargement and extension thereof thereafter made; | "maintenance." |

and (2) all costs and expenses incident to any determination or redetermination of benefits and apportionment of costs made under the terms of this act.

Estimate of amount for maintenance.

SEC. 2. On or before the first Monday in September in each year the Supervisors of each diking, drainage or sewerage improvement district shall make and file with the Board of the county containing such district, a statement and estimate in writing of the amount required for the maintenance of the system of improvements of said district for the ensuing fiscal year. The Board shall, on or before the first Monday in October next ensuing, levy assessments for the amount of said estimate, or such amount as it shall deem advisable, upon the property within the district and against the state, the county containing such district, and the cities, towns and other municipal corporations within such district in respect of all highways, roads and streets and other lands, improvements, and facilities chargeable therewith owned by them respectively within such district. Said assessments shall be levied in the same proportion as the assessments to pay the original cost of construction of said system of improvements: *Provided however*, That when a determination or redetermination of benefits accruing to the properties within the district from the maintenance of the district's system of improvements or from the maintenance of the district's diking system and drainage system separately shall have been made, as hereinafter in this act provided, then the assessments for maintenance shall be levied in proportion to the benefits accruing to each piece or parcel of property and improvements benefited according to the latest determination of such benefits. Each such levy as made shall be certified by the Auditor to the Treasurer, who shall extend the same upon the district assessment roll.

Board shall levy assessments.

Proportionment of assessments.

Levy certified by auditor to treasurer.

SEC. 3. In maintaining a system of improvements of any such district the Supervisors thereof may at any time, with the approval of the Board and upon determination by such Board that an emergency exists, make expenditures in excess of the last annual maintenance levy theretofore made, which excess amount or amounts shall in such event be included in the maintenance levy for the succeeding year except as otherwise herein provided.

Emergency expenditures.

When, owing to floods, earthquakes, inadequate maintenance or any other cause, it shall be found by the Board, after consideration of the Supervisors' recommendations, plans and specifications and schedules of estimated costs of maintenance work required, that necessary maintenance work will require extraordinary maintenance expenditures and the Board shall have authorized such extraordinary maintenance work to be done as herein provided, the Board may provide that the levy to meet such extraordinary expenditures shall be spread over a term of years and warrants or bonds issued to meet the same. Such term shall not exceed five years if warrants are issued, and shall be either ten or fifteen years if bonds are issued, all as the Board shall determine. The form, tenor, and amount of such bonds and warrants, the number of installments in which the assessments shall be paid, and the time and method of payment of assessments shall be the same as provided in section 17, chapter 176, Laws of 1913, as last amended by section 1, chapter 125, Laws of 1933 (sec. 4422, Rem. Rev. Stat. Supp.), for the original construction cost of a system of improvements: *Provided however*, That said bonds and warrants may be in denominations of one thousand dollars (\$1,000). In case maintenance bonds or warrants to cover extraordinary maintenance expenditures are issued as herein provided, then a maintenance bond or warrant redemption fund for each

Extraordinary maintenance expenditures.

Warrants or bonds.

Maintenance bond or warrant redemption fund.

separate issue of bonds or warrants shall be created into which all moneys derived from assessments levied to pay each issue shall be paid. Such redemption fund shall be applied first to the payment of the interest due upon such bonds or warrants and second to the payment of the principal thereof. After payment in full of principal and interest of any such issue of bonds or warrants, any balance thereafter remaining in any such redemption fund shall be paid into the district's maintenance fund.

Determina-
tion of
special
benefits to
property.

Hearing.

Appointment
of appraisers.

Duties of
appraisers.

SEC. 4. At any time and from time to time, after completion of the original construction of any such district's system of improvements or after the completion of any alteration, reduction, enlargement, addition to, or other improvement of such system not constituting maintenance as herein defined, the board may upon their own initiative, or upon petition filed by at least five owners of property within the district subject to assessments for maintenance shall, fix a date for and hold a hearing at the county seat for the purpose of determining or redetermining the special benefits accruing from the maintenance of the district's system of the improvements to all property benefited thereby. At or within two weeks of the time of fixing the date for such hearing the Board shall appoint three qualified appraisers, at least one of whom shall be a resident of the county in which said district is situated, who shall qualify as provided in section 25, chapter 176, Laws of 1913, as amended by section 30, chapter 130, Laws of 1917 (sec. 4430, Rem. Rev. Stat.). Thereupon said appraisers shall proceed immediately to carefully examine the district's system of improvements and the public and private property within the district, and fairly, justly and equitably determine and apportion the special benefits which will accrue from the maintenance of the district's system of improvements to each piece or parcel of privately and pub-

licly owned land, together with the buildings and other permanent improvements thereon, and to the state, county, cities, towns and other municipal corporations for their roads and streets and other property within the district. The fact that any such property shall be exempt from general taxes shall not exempt the same from the provisions hereof.

Exemptions from general taxes not applicable.

SEC. 5. The appraisers shall carefully consider and take into account all factors, situations and conditions which lawfully may be taken into consideration as bearing upon and determining such benefits and to that end may make such investigations, hold such hearings, and receive such evidence as they may deem proper and shall file their sworn report, with a complete schedule of all property within the district and the special benefits determined by them as accruing to each piece and parcel thereof, not less than twenty days prior to the date fixed for the hearing by the Board.

Appraisers shall consider all factors.

Investigations and hearings.

Report.

SEC. 6. Notice of such hearing shall be given by publication in the official county newspaper and in such other newspaper published in or near such district as the Board may in their discretion direct, once a week for two consecutive weeks, the last publication of which shall be not less than seven nor more than fourteen days prior to the date of said hearing. Also, the Board shall serve by mail, at least ten days before such hearing, upon the Commissioner of Public Lands of the state two copies of the published notice of such hearing together with a statement showing the amount of benefits determined by the appraisers in respect of each parcel of state, school, granted or other lands owned by the state in such district, and shall similarly serve notice of such hearing upon the Director of Highways, with a statement showing the amount of benefits determined by the appraisers in respect of any state primary or secondary highways within the district.

Notice of hearings.

Service on commissioner of public lands.

Combined diking and drainage districts.

Separate determinations of benefits.

SEC. 7. In a district which functions both as a diking and a drainage improvement district, the appraisers, if so directed in the order of the Board appointing them, shall determine separately, in accordance with section 4 hereof, the special benefits accruing to the various properties within the district from the maintenance of the diking system and from the maintenance of the drainage system, and in such case their report shall contain separate schedules of the respective benefits accruing from the maintenance of the diking and drainage systems of improvement considered separately and, so far as may be, independently of each other.

Extraordinary maintenance expenditures.

Hearing and appointment of appraisers.

Additional duties of appraisers.

SEC. 8. Whenever the Board shall provide that a levy to meet extraordinary maintenance expenditures shall be spread over a term of years and warrants or bonds issued as provided in section 3 hereof, said Board shall fix a date for and hold a hearing and appoint appraisers as provided in section 4 hereof. Said appraisers, in addition to discharging the duties imposed upon the appraisers by sections 4 and 5, shall: (1) apportion the estimated costs of such extraordinary maintenance work to the properties within the district in proportion to the benefits accruing to said properties from the maintenance of the district's system of improvements as determined by them; and (2) file a complete schedule of said apportionment of costs with the Board.

Objections to appraisers' report.

Time of filing objections.

SEC. 9. At the hearing upon the report of the appraisers, which may be adjourned from time to time until finally completed, the Board shall carefully examine and consider the special benefits and the apportionment of estimated costs determined by the appraisers and reported in the schedule or schedules, and any objections thereto which shall have been made in writing and filed with the Board on or prior to ten o'clock a. m. of the date fixed for

such hearing. Each objector shall be given reasonable time and opportunity to submit evidence and be heard on the merits of his objections. At the conclusion of such hearing, the Board shall so correct, revise, raise, lower, change or modify such schedule or schedules, or any part thereof, or strike therefrom any property not specially benefited, as to said Board shall appear equitable and just. The Board shall cause the clerk of the Board to enter on each such schedule or schedules all such additions, cancellations, changes and modifications made by it.

Hearing on objections.

Board may modify.

SEC. 10. When the Board shall have determined that the schedule or schedules of benefits and/or apportionment of costs as filed or as changed and modified by it are fair, just and equitable and, if estimated costs have been apportioned, that said benefits equal or exceed said costs apportioned, the members of the Board approving the same shall sign said schedule or schedules and cause the clerk of the Board to attest their signatures under his seal, and shall enter an order in the journal approving and confirming the final determination of such benefits and apportionment of costs and all proceedings leading thereto and in connection therewith. If separate schedules be established for maintenance of the diking system and of the drainage system, the Board shall by order establish two separate maintenance funds, one for the maintenance of the diking system and one for the maintenance of the drainage system.

Approval of schedules by board.

Separate maintenance funds for combined districts.

SEC. 11. Upon the approval and final determination of benefits the Auditor shall immediately prepare a completed roll thereof, which shall contain a copy of the order of the Board approving and confirming said benefits as finally determined, and shall deliver said roll to the Treasurer. Said benefits shall be the basis for the apportionment and collection of maintenance levies thereafter made by the Board.

Roll.

Levy against property benefited.

SEC. 12. Upon the approval and final determination of the apportionment of estimated costs of extraordinary maintenance expenditures as provided in sections 8 and 9 hereof, the Board shall levy the amounts so apportioned against all the properties benefited and the amounts assessed against the state, county, cities and towns, and other municipal corporations benefited, and the Auditor shall immediately prepare a completed roll thereof, which shall contain a copy of the order of the Board approving and confirming said apportionment of estimated costs as finally determined and fixing and levying the assessments therefor, and shall deliver said roll to the Treasurer for collection in accordance with the order of the Board.

Roll.

Board shall order work done.

SEC. 13. The Board shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate of interest as the Board shall determine but not in excess of six per cent (6%) per annum. Bonds or warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the Board.

Temporary construction warrants.

Interest.

Board's decision on objections appealable.

SEC. 14. The decision of the Board upon any objections to the determination of benefits and/or apportionment of costs and/or the levy of the assessments therefor, made within the time and in the manner prescribed in section 9 hereof, may be reviewed by appeal to the Superior Court of the county in which the district is situated and thereafter to the Supreme Court within the time and in the manner and upon the conditions, so far as applicable, provided in section 1, chapter 157, Laws of 1921 (sec. 4436, Rem. Rev. Stat.), with respect to appeals from

the Board's apportionment of the cost of construction of the district's system of improvements. The provisions of section 2, chapter 157, Laws of 1921 (sec. 4437, Rem. Rev. Stat.), shall be controlling as to the regularity, validity, and conclusiveness of all the proceedings hereunder.

Appeal from board's apportionment of costs.

SEC. 15. Whenever, after the determination of special benefits accruing from the maintenance of the district's system of improvements, it shall appear to the Board from a petition filed by the affected property owner or owners or otherwise, that by reason of permanent improvements or additions made, removed, abandoned or destroyed by fire or other casualty, or of other changes in the character or condition of the property, the benefits theretofore determined in respect of any one or more pieces or parcels of property are no longer fair, just and equitable, then the Board shall hold a hearing thereon at the county seat at the time of equalization of the real property assessment and shall give notice thereof as in section 6 hereof provided.

Change in conditions affecting special benefits.

Hearing.

SEC. 16. At such hearing, which may be adjourned from time to time as may be necessary to give all persons interested or affected a reasonable opportunity to be heard, and after consideration of all evidence offered and all factors, situations and conditions bearing upon or determinative of the benefits accruing and to accrue to such pieces or parcels of property, the Board shall correct, revise, raise, lower, or otherwise change or confirm the benefits as theretofore determined, in respect of such pieces or parcels of property, as to it shall seem fair, just and equitable under the circumstances, and thereafter such proceedings shall be had with respect to the confirmation or determination of the benefits and making and filing of a roll thereof, as are in sections 9, 10 and 11 hereof provided. Any property owner affected by any change thus made

Board may revise benefits.

Filing of roll.

in the determination of benefits accruing to his property who shall have appeared at the hearing by the Board and made written objections thereto as provided in section 9 hereof, may appeal from the action of the Board to the Superior Court and thence to the Supreme Court, within the time, in the manner and upon the conditions, so far as applicable, provided in section 1, chapter 157, Laws of 1921 (sec. 4436, Rem. Rev. Stat.), with respect to appeals from the order of the Board confirming the apportionment of the original cost of construction.

Appeal.

Laws made
a part of act.

SEC. 17. The provisions of sections 18 and 23, chapter 176, Laws of 1913, as respectively amended by sections 24 and 28, chapter 130, Laws of 1921 (secs. 4423 and 4428, Rem. Rev. Stat.), section 22, chapter 176, Laws of 1913, as last amended by section 5, chapter 157, Laws of 1921 (sec. 4427, Rem. Rev. Stat.), section 9, chapter 46, Laws of 1923 (secs. 4435-3 and 4435-4, Rem. Rev. Stat.), and section 11, chapter 46, Laws of 1923 (secs. 4439-3 to 4439-6, incl., Rem. Rev. Stat.), as amended by section 2, chapter 125, Laws of 1933 (sec. 4439-2, Rem. Rev. Stat. Supp.), shall be deemed and hereby are made a part of this act insofar as they may be applicable hereto, except that the unpaid assessments or installments thereof, which may have been levied for extraordinary maintenance costs as provided in section 12 hereof, shall bear interest at the rate of six per cent (6%) per annum: *Provided however,* That when the bonds or warrants which shall have been issued to meet such extraordinary costs shall bear an interest rate of less than six per cent (6%) per annum, then the rate of interest on such unpaid assessments or installments thereof shall be reduced on and from the first day of January next following the date of issuance of said bonds or warrants to the rate of interest on said bonds or warrants.

Interest on
unpaid
assessments.Interest on
bonds for
extraordi-
nary costs.

SEC. 18. Section 32, chapter 176, Laws of 1913, as last amended by section 2, chapter 38, Laws of the Extraordinary Session of 1933 (sec. 4440, Rem. Rev. Stat.), and all other acts or parts of any act in conflict herewith are repealed. Repealing clause.

SEC. 19. The adjudication of invalidity of any section, clause or part of a section of this act shall not impair or otherwise affect the validity of this act as a whole, or any other part hereof. Partial invalidity.

SEC. 20. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately. Emergency.

Passed the Senate February 21, 1949.

Passed the House February 19, 1949.

Approved by the Governor February 24, 1949.

CHAPTER 27.

[H. B. 118.]

FLOOD CONTROL.

AN ACT relating to flood control, providing for contribution by the state to a joint state-county-federal project for flood control on the Green River and making an appropriation.

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

SECTION 1. The State of Washington hereby declares its intention to participate jointly with the Federal government and King County in financing the construction by the Federal government of the Eagle Gorge Dam Flood Control Reservoir Project now approved and recommended by the Chief of Engineers United States Army. The state hereby undertakes to contribute one million five hundred thousand dollars to said project, contingent upon contribution by King County of five hundred thousand dollars and the adoption and authorization of the project by Congress and the making of a Federal appropriation therefor. State shall aid in financing Eagle Gorge Dam Project.

Amount.

Contingency.

Fund.

SEC. 2. There is hereby established in the state treasury a fund to be known as the Eagle Gorge Dam Flood Control Project Fund in which the amount of the state's contribution shall be held until expenditure is required as hereinafter provided. There is hereby appropriated from the General Fund to the Eagle Gorge Dam Flood Control Project Fund one million five hundred thousand dollars.

Appropriation to fund.

Appropriation from fund.

SEC. 3. There is hereby appropriated from the Eagle Gorge Dam Flood Control Project Fund to the Department of Conservation and Development one million five hundred thousand dollars for payment to the Federal government as the state's share of the Eagle Gorge Dam Flood Control Reservoir Project on Green River for utilization without limitation by the United States for the construction of such project. Such payment shall be made at such time as Congress shall have adopted and authorized the construction of the Eagle Gorge Dam Flood Control Reservoir Project and shall have made an appropriation therefor and King County shall have issued a warrant in the sum of five hundred thousand dollars payable to the Treasurer of the United States as the county's contribution to said project and shall have delivered same to the Director of Conservation and Development for transmittal to the District Engineer, Corps of Engineers, Seattle District and the Secretary of the Army along with the state's contribution. The Director of Conservation and Development is authorized to determine when these conditions have been met and to request the State Auditor to issue a proper warrant for the state's contribution.

Payment upon contingency.

Duties of Director of Conservation and Development.

Passed the House February 9, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 1, 1949.

CHAPTER 28.

[S. B. 23.]

LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to local improvements in cities and towns; and amending section 12, chapter 98, Laws of 1911, last amended by chapter 98, Laws of 1945, to remove certain restrictions applying to first class cities.

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

SECTION 1. Section 12, chapter 98, Laws of 1911, Amendment.
as last amended by chapter 98, Laws of 1945 (sec. 9363, Rem. Rev. Stat.), is hereby amended to read as follows:

Section 12. The council or other legislative body shall have jurisdiction to proceed with any such improvement initiated by petition or resolution. The jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of property within the proposed district subject to at least sixty per cent (60%) of the cost of such improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district. Procedure of forming local improvement districts.

In computing the valuation of such property any non-assessable property owned by the United States, state, county, city, town, school district, or other public corporation shall be valued at the same rate as assessed property similarly situated.

SEC. 2. This act is necessary for the immediate Emergency.
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 January 19, 1949.

Passed the House February 23, 1949.

Approved by the Governor March 2, 1949.

CHAPTER 29.

[S. B. 391.]

INVESTMENT OF STATE FUNDS.

AN ACT authorizing the State Finance Committee to invest certain funds in revenue bonds of the Washington Toll Bridge Authority; and declaring an emergency.

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

Investment of State fund. authorized.

SECTION 1. The State Finance Committee is hereby authorized to invest any state funds, with the exception of permanent school funds, in any revenue bonds issued by the Washington State Toll Bridge Authority for the construction of a bridge at Agate Pass.

Emergency.

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

Passed the Senate February 25, 1949.

Passed the House February 26, 1949.

Approved by the Governor March 2, 1949.

CHAPTER 30.

[H. B. 21.]

FLOOD CONTROL.

AN ACT relating to flood control and amending section 1, chapter 99, Laws of 1947, and section 6, chapter 204, Laws of 1941 (sec. 9663F-6, Rem. Rev. Stat.; sec. 564-11, PPC) and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 99, Laws of 1947, and section 6, chapter 204, Laws of 1941 (sec. 9663F-6, Rem. Rev. Stat.; sec. 564-11, PPC), is amended to read as follows:

Budgets for flood control.

Section 6. Annual Tax estimates and final budgets for flood control purposes by any county, city, town,

flood control district, diking district, diking improvement districts, irrigation districts, or counties so acting jointly, shall include and separately state the amounts thereof for such purposes under headings of administration, construction, including contributions to Federal and non-Federal flood control projects and maintenance. Each such Local Flood Control Engineer shall on or before the first day of July of each year submit his estimates for flood control construction and maintenance purposes for the ensuing year, to the Commissioners of his flood control district, diking district, diking improvement district, irrigation district, county, or counties so acting jointly, or the corporate authorities of his city or town. In case state participation is sought such estimates of cost, together with statement of nature of the work to be done, shall be submitted to the Supervisor of Flood Control. The Supervisor of Flood Control shall consider such estimates and determine the amounts necessary for each such county, city, town, or counties so acting jointly, diking district, diking improvement district, irrigation district, or flood control district, for such purposes, and shall on or before the first day of August of each year submit in writing his recommendations thereon to such Commissioners or other corporate authorities and to the Local Flood Control Engineer. Whenever the final annual tax levy for any county, city, town, or counties so acting jointly, flood control district, diking district assessment, diking improvement district assessment, or irrigation district assessment, shall include the items and amounts as so approved by the Supervisor of Flood Control for maintenance purposes, the State of Washington may participate to the extent of not to exceed one-half of the cost of such approved items for the maintenance of the normal regimen of the stream, or streams, and for works constructed to maintain such condition, but not for the maintenance of dams or

Headings.

Submission of estimates.

Duties of Supervisor of Flood Control.

Recommendations.

State may participate.

Maintenance of dams excluded.

Emergency appropriation.

State participation in emergency and soil conservation work.

other structures for detaining flood waters. Such participation by the state shall be made from appropriations for the Department of Conservation and Development, Division of Flood Control, for flood control purposes. If a flood occurs or threatens, and an expenditure of additional funds is necessary, a county, city, town, counties so acting jointly, flood control district, diking district, diking improvement district, or irrigation district, may declare an emergency and make an appropriation therefor. The state, in the discretion of the Supervisor of Flood Control, may participate with such county, city, town, counties so acting jointly, flood control district, diking district, diking improvement district, or irrigation district, to an extent made necessary by the inability of the political subdivision to provide funds under maximum levies for the cost of the emergency work. The state may participate to an extent of not more than one-half the cost of the flood control, but not more than ten thousand dollars (\$10,000) in any one year, with and in any one of the several soil conservation districts: *Provided*, That the project has been recommended by the Board of District Supervisors and approved by the Supervisor of Flood Control. The work shall be under the supervision of the local county road engineer, who shall cooperate with any Federal or state agency qualified in flood control work.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House February 24, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 31.

[H. B. 44.]

EDUCATION—SUPPORT OF SCHOOLS.

AN ACT relating to education; relating to the distribution from the State School Equalization Fund; repealing the provisions for a county school levy; amending section 5, subchapter 9, title III, chapter 97, Laws of 1909, as last amended by section 1, chapter 235, Laws of 1947; and repealing section 15, chapter 144, Laws of 1943.

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

SECTION 1. Section 5, subchapter 9, title III, chapter 97, Laws of 1909, as last amended by section 1, chapter 235, Laws of 1947, is hereby amended to read as follows: Amendment.

Section 5. In the manner and at the times hereinafter provided there shall be distributed out of the State School Equalization Fund to the County Treasurer of each county for the use and benefit of the several school districts of each such county a sum sufficient to produce ten cents per day's attendance determined in accordance with section 4 of this act. Distribution from State School Equalization Fund.

The apportionments from the State School Equalization Fund provided for in this section shall be made as follows: The Superintendent of Public Instruction shall at the time of making regular apportionments of the Current State School Fund during the following school fiscal year apportion to the County Treasurer of such county one-tenth the amount due for the schools of said county from the State School Equalization Fund. The County Treasurer shall immediately notify the County Superintendent of Schools of the amount received, and the County Superintendent shall apportion the special allotment to the school districts of his county at the same time and upon the same basis as is used to distribute the County School Funds. Amount.

Repealing clause.

SEC. 2. Section 15, chapter 144, Laws of 1943, is hereby repealed.

Passed the House January 27, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 32.

[H. B. 40.]

ALIEN SCHOOL TEACHERS.

AN ACT relating to education, restricting the right to teach in the public schools, providing for the issuance of permits to teach and amending section 1, chapter 38, Laws of 1919.

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

Amendment.

SECTION 1. Section 1, chapter 38, Laws of 1919, is amended to read as follows:

Right to teach in public schools restricted to citizens.

Section 1. No person, who is not a citizen of the United States of America, shall teach or be permitted or qualified to teach in the public schools in this state: *Provided, however,* That the Superintendent of Public Instruction may grant to an alien a permit to teach in the public schools of this state; providing such teacher has all the other qualifications required by law, has declared his or her intention of becoming a citizen of the United States of America, and that five years and six months have not expired since such declaration was made: *Provided further,* That the Superintendent of Public Instruction may grant to an alien teacher whose qualifications have been approved by the State Board of Education a temporary permit to teach as an exchange teacher in the public schools of this state, irrespective of requirements respecting citizenship and oath of allegiance. Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing that such alien applicant is not a member

Permits to aliens.

Permits to alien exchange teachers.

Oath or affirmation.

of or affiliated with a Communist or Communist-sponsored organization or a Fascist or Fascist-sponsored organization. The form of such oath or affirmation shall be prepared by the State Superintendent of Public Instruction. All oaths or affirmations subscribed as herein provided shall be filed in the office of the Superintendent of Public Instruction and shall be there retained for a period of five (5) years. Such permits shall at all times be subject to revocation by and at the discretion of the Superintendent of Public Instruction.

Form of
oath.

Revocation
of permit.

Passed the House February 9, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 33.

[H. B. 60.]

COUNTIES—PURCHASING AND CONTRACTING.

AN ACT authorizing County Commissioners of certain classes of counties to purchase supplies and equipment and contract for public works for all county departments on a competitive basis and extending the provisions of chapter 61, Laws of 1945 (secs. 10322-15 to 10322-18, Rem. Rev. Stat.; secs. 491-1, 491P-3, 491P-5, 491P-7 PPC) to First Class counties by amending section 1, chapter 61, Laws of 1945 (sec. 10322-15, Rem. Rev. Stat.; sec. 491P-1 PPC).

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

SECTION 1. Section 1, chapter 61, Laws of 1945 (sec. 10322-15, Rem. Rev. Stat.; sec. 491P-1 PPC) is amended to read as follows: Amendment.

Section 1. In any Class A and First Class county, the Board of County Commissioners shall contract on a competitive basis for all public works and purchase on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the Board

County pur-
chases and
public works
contracts.

shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to the provisions of section 47, chapter 187, Laws of 1937 (section 6450-47, Remington's Revised Statutes, also Pierce's Perpetual Code 610-21), or section 4, chapter 82, Laws of 1943 (section 6450-34, Rem. Supp. 1943, also Pierce's Perpetual Code 605-5).

Passed the House February 2, 1949.

Passed the Senate February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 34.

[H. B. 67.]

EDUCATION—TEACHERS' TRAINING.

AN ACT relating to education, providing for the training of teachers and other personnel of the public schools as therein defined, amending chapter 108, Laws of 1947, and repealing all acts or parts of acts in conflict therewith and declaring an emergency.

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

SECTION 1. The University of Washington, the State College of Washington, the Central Washington College of Education, the Eastern Washington College of Education, and the Western Washington College of Education are each hereby authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the State Board of Education are required, for any grade, level, department or position of the public schools of the state, *except* that the training for superintendents, over and above that required for teaching certificates and principals' credentials, shall be given by the University of Washington and the State College of Washington only: *Provided*, That the courses offered in all of the aforesaid training are approved by the State Board of Education.

Teachers' certificates and special credentials.

Training for superintendents.

Approval of courses.

SEC. 2. Chapter 108, Laws of 1947, is amended to read as follows: Amendment.

Section 1. In addition to all other powers and duties given to them by law, the Central Washington College of Education, the Eastern Washington College of Education and the Western Washington College of Education are hereby authorized to grant the degree of master of education to any student who has completed a course of at least one year in graduate study in education as prescribed by law or regulation for teacher education. Degree of master of education.

SEC. 3. All acts or parts of acts in conflict with or in derogation of this act or any part of this act are hereby repealed insofar as the same are in conflict with or in derogation of this act or any part thereof. Repealing clause.

SEC. 4. 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 institutions, and shall take effect immediately. Emergency.

Passed the House February 9, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 35.

[H. B. 74.]

LAND GRANT TO CITY OF CHENEY.

AN ACT granting certain land to the City of Cheney.

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

SECTION 1. The State hereby grants to the City of Cheney the following described land, now a part of the campus of Eastern Washington College of Education: Beginning at the northwest corner of section thirteen (13), township twenty-three (23) north, range forty-one (41), east of the Willamette Certain land granted to City of Cheney.

Description of land.

Meridian, thence easterly along the north line of said section thirteen (13) a distance of thirty (30) feet, thence southerly parallel to the west line of said section a distance of one thousand eight hundred twenty-seven and one-tenth (1,827.1) feet more or less to the northerly line of Eighth Street as platted on the official map of the City of Cheney, Spokane County, Washington; thence southwesterly along said northerly line of Eighth Street a distance of forty-eight and one-tenth (48.1) feet more or less to the west line of said section thirteen (13); thence northerly along said west line of section thirteen (13) a distance of one thousand eight hundred sixty-four and one-tenth (1,864.1) feet more or less to the point of beginning, containing one and twenty-seven hundredths (1.27) acres more or less in the City of Cheney, Spokane County, Washington.

Quitclaim deed.

The Governor is authorized to execute a quitclaim deed to said property.

Passed the House February 1, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 36.

[H. B. 78.]

TAX EXEMPTION FOR CERTAIN METALS.

AN ACT relating to taxation; providing that certain metals held in a warehouse under negotiable receipts shall be considered as property in transit and not taxable.

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

Certain metals considered property in transit.

SECTION 1. All metals refined by electrolytic process into cathode or bar form while in such form and held under negotiable warehouse receipt in a public or private warehouse recognized by an established incorporated commodity exchange, and for

sale through such exchange, shall be considered and held to be property in transit and not taxable.

SEC. 2. The purpose of this act is to encourage the storage of such products in the State of Washington, and to this end this act shall be liberally construed. Liberally construed.

Passed the House February 11, 1949.

Passed the Senate February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 37.

[H. B. 226.]

STATE LANDS—EASEMENT GRANT.

AN ACT relating to state lands and providing for easements thereon.

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

SECTION 1. The Commissioner of Public Lands, with the consent of the Director of the Department of Public Institutions, is hereby authorized to grant an easement for ingress and egress across state lands to the owners of that portion of the northeast quarter of the southeast quarter of section one, township nineteen, north, range six east of the Willamette Meridian, all situated in Pierce County. Granting of an easement authorized.

Description.

Passed the House February 14, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 38.

[H. B. 111.]

LAND GRANT TO CITY OF CENTRALIA.

AN ACT authorizing and directing a conveyance of certain real estate to the City of Centralia, a municipal corporation, and repealing chapter 57, Laws of 1947.

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

State to convey certain real estate to City of Centralia.

SECTION 1. The Governor is hereby authorized and directed to execute on behalf of the State of Washington, and the Secretary of State to attest, a quitclaim deed conveying to the City of Centralia, a municipal corporation, the following described real estate in Lewis County, Washington:

Description of real estate.

All of Block one, and Lots five, six, nine, ten, eleven and twelve in Block two, Seminary Hill Addition to Centralia, Washington.

All of Block twelve, Seminary Addition to Centralia, Washington, excepting therefrom a strip eighty-seven feet wide of an even width off of the east side of said block.

Beginning at the northwest corner of Lot five, Block one of C. H. Manning's Second Addition to Centralia, Washington, thence east to the northeast corner of Lot five, Block four of said addition; thence north two hundred links; thence west to the east line of Wilding Street extended; thence south on the said east line of Wilding Street to the place of beginning, containing two acres, more or less.

Also, all of C. H. Manning's Second Addition to Centralia, Washington, including the streets through same now vacated.

Also, Maple Street from the east line of Wilding Street east to the east line of Block four of C. H. Manning's Second Addition if said line was extended, excepting therefrom a strip sixty feet long and thirty feet wide at the intersection of Maple and Byrd Streets which said strip is still a public highway.

Also, Lots one, two, three, four, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four in Block two of Seminary Hill Addition to Centralia, Washington.

Also, a tract of land in the northeast quarter of the northwest quarter of Section nine, Township fourteen North, Range two West of W. M., containing one and five-tenths acres, more or less, and described as follows: Beginning at a point on the north line of Block twelve of Seminary Addition to Centralia, Washington, eighty-seven feet west of the northeast corner of said block; thence north to the south line of Woodham and Sprague Addition to Centralia, Washington, if said line was extended; thence west to the southeast corner of said Woodham and Sprague Addition; thence south to the northwest corner of Block twelve, Seminary Addition; thence east to the place of beginning.

Also conveying that part of the northeast quarter of the northwest quarter of Section nine, Township fourteen North of Range two West of W. M. described as follows: Beginning at a point on the north line of said section forty rods West of the north quarter corner thereof; thence South fifty rods; thence West thirty rods; thence North four hundred twenty feet; thence West one hundred sixty-five feet; thence North four hundred five feet to the north line of said section: thence East along the north line of said section forty rods to the place of beginning, being the identical property described in that certain deed recorded in Book 163 of Deeds, page 30, Records of County Auditor of Lewis County Washington;

Also conveying Lot one and Lots three to twelve both inclusive in Block one and the East half of Lot two and all of Lot three in Block six, all in Baker's Addition to Centralia, being the identical property described in that certain deed recorded in Book 163

of Deeds, page 31, Records of the County Auditor of Lewis County Washington;

Also conveying that part of the northwest quarter of section nine, Township fourteen North of Range two West of W. M. described as follows: Beginning at a point of the East line of the Northwest quarter of said section three hundred thirty feet south of the north line thereof; thence South along the east line of said northwest quarter one thousand fifty-six feet; thence West along the south boundary of Seminary Addition to the City of Centralia (now partly vacated) eleven hundred fifty-five feet; thence North five hundred sixty-one feet; thence East four hundred ninety-five feet; thence North four hundred ninety-five feet; thence East six hundred sixty-two and five-tenths feet to the place of beginning (this includes the east eighty-seven feet of Lots one and two, Block twelve, Seminary Addition to Centralia); subject nevertheless to a perpetual easement for a roadway forty feet in width whose north line begins at a point thirteen hundred twenty feet south and six hundred sixty feet west of the north quarter corner of said section nine and runs East parallel with the south boundary of said Seminary Addition to the center line of said section; being the identical property described in that certain deed recorded in Book 163 of Deeds, page 31, Records of the County Auditor of Lewis County, Washington.

Also, that part of the northwest quarter of section nine, Township fourteen North of Range two West of W. M. bounded on the north by Seminary Hill Addition to Centralia; on the east by Seminary Hill Addition to Centralia and Baker's Addition to Centralia; on the south by Agnew's Addition to Centralia, Summit Addition to Centralia and Baker's Addition to Centralia; and on the west by Grace Seminary Second Addition to Centralia, being the identical property described in that certain deed re-

corded in Book 152 of Deeds, page 230, Records of the County Auditor of Lewis County, Washington.

Provided, however, That there is excepted from the above described area the following described unplatted tract:

Beginning at the southeast corner of intersection of Magnolia and Wilding Streets; thence, easterly along the south line of Magnolia Street five hundred and forty-seven and forty-seven hundredths feet to a point; turning a deflection angle of seventy degrees and sixteen minutes ($70^{\circ} 16'$) to the right; thence southeasterly one hundred and twenty-four and fifty-six hundredths feet to a point; turning a deflection angle of nineteen degrees and forty-four minutes ($19^{\circ} 44'$) to the right; thence southerly two hundred and seventy-nine feet, more or less, to the north line of Davis Street; thence westerly along the north line of Davis Street to the northeast corner of the intersection of Davis Street with Wilding Street; thence northerly to the place of beginning.

SEC. 2. Chapter 57, Laws of 1947, is hereby repealed. Repealing clause.

Passed the House February 9, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 39.

[H. B. 170.]

STATE LIBRARY COMMISSION.

AN ACT authorizing the State Library Commission to accept and disburse grants of Federal funds.

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

SECTION 1. The State Library Commission is hereby authorized to accept and to expend in accordance with the terms thereof any grant of Federal funds which may become available to the state Acceptance and disbursement of Federal funds authorized.

for library purposes. For the purpose of qualifying to receive such grants, the State Library Commission is authorized to make such applications and reports as may be required by the Federal government as a condition thereto.

Passed the House February 10, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 40.

[H. B. 189.]

STATE FAIR FINANCES.

AN ACT relating to the State Fair, ratifying and approving the expenditure by the Director of Agriculture of certain sums for the maintenance of the State Fair grounds, amending section 6, chapter 164, Laws of 1927 (sec. 2736-6, Rem. Rev. Stat.), and declaring an emergency.

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

Amendment. SECTION 1. Section 6, chapter 164, Laws of 1927 (sec. 2736-6, Rem. Rev. Stat.) is amended to read as follows:

Vouchers for expenditures. SECTION 6. All vouchers for the expenditures of money appropriated under the provisions of this act shall be signed by the Director of Agriculture and the State Auditor shall upon presentation of such vouchers draw his warrant upon the State Treasurer for the payment of the same, and the State Treasurer shall pay such warrant out of any money appropriated for the purposes of carrying out the provisions of this act: *Provided*, That every voucher must set forth the purpose for which the money, material or labor represented was used. All receipts from the operation of the State Fair and its property shall be held by the Director of Agriculture in a separate trust fund in a suitable depository, and all moneys in said fund shall be available for the sole use of the State Fair. No moneys appropriated from

Trust fund.

the state treasury for the use of the State Fair shall be used as payment of purses in trials of speed.

Appropriation may not be used for speed prizes.

SEC. 2. The holding by the Director of Agriculture in a separate trust fund of the amount of thirty-four thousand three hundred fifty-nine dollars and eighty-four cents (\$34,359.84) and the expenditure of a portion thereof for maintaining the Washington State Fair grounds and buildings during the period April 1, 1945 to the present date, without depositing any of said money in the state treasury or having the same appropriated, is hereby ratified and approved.

Acts of Director of Agriculture ratified.

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.

Emergency.

Passed the House February 4, 1949.

Passed the Senate February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 41.

[H. B. 200.]

STATE ASSOCIATION OF IRRIGATION DISTRICTS.

AN ACT relating to the State Association of Irrigation Districts and amending chapter 193, Laws of 1947, by adding a section thereto to be known as section 4.

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

SECTION 1. There is hereby added to chapter 193, Laws of 1947, a section to be known as section 4, as follows:

Amendment.

Section 4. To avoid duplication of effort the State Association of Irrigation Districts may, in the discretion of its officers, affiliate and cooperate with other reclamation organizations and agencies en-

State Association of Irrigation Districts may affiliate.

gaged in the furthering of reclamation of lands in the state.

Passed the House February 9, 1949.

Passed the Senate February 23, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 42.

[H. B. 311.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF LABOR AND INDUSTRIES.

AN ACT relating to the Department of Labor and Industries; making a deficiency appropriation; and declaring an emergency.

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

Deficiency appropriation.

SECTION 1. By reason of a deficiency existing in the appropriation made by the Thirtieth Legislature, and caused by increased costs for medical services, there is hereby appropriated from the Medical Aid Fund to the Department of Labor and Industries, to be expended during the biennium ending March 31, 1949, for payment of medical services, the sum of one million two hundred fifty thousand dollars (\$1,250,000) or so much thereof as may be necessary.

Emergency.

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

Passed the House February 11, 1949.

Passed the Senate February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 43.

[H. B. 244.]

APPROPRIATION FOR FLOOD CONTROL.

AN ACT making an appropriation for flood control.

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Conservation and Development for carrying out flood control work pursuant to the provisions of chapter 204, Laws of 1941, as amended, and chapter 163, Laws of 1935, as amended, \$2,000,000.

Appropriation for flood control.

Passed the House February 9, 1949.

Passed the Senate February 26, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 44.

[H. B. 352.]

REVOCATION OF HUNTING LICENSES.

AN ACT relating to the Department of Game and providing for the revocation of hunting licenses.

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

SECTION 1. The Director of Game is hereby empowered and shall revoke the hunting license of any person who shoots any other person or any domestic livestock while hunting. No hunting license shall thereafter be reissued to such person unless the Commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license, and providing the licensee shall have paid for all liquidated damages caused by the wrongful shooting. Any person may appeal to the Superior Court of the county of his residence from any decision of the Commission, providing notice of such appeal is served on the Game Commission and filed

Revocation of hunting license.

Hearing for reissue of license.

Appeal.

in said Court within thirty (30) days following the refusal of the State Game Commission to issue such license.

Passed the House February 16, 1949.

Passed the Senate February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 45.

[S. B. 72.]

FIREMEN'S PENSION FUND.

AN ACT relating to paid firemen in cities and towns and amending section 5, chapter 91, Laws of 1947, to provide a method for allocation of fire insurance premiums.

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

Amendment.

SECTION 1. Section 5, chapter 91, Laws of 1947 (sec. 9578-44, Rem. Supp. 1947), is amended to read as follows:

Firemen's Pension Fund.

Section 5. There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the Firemen's Pension Fund, which shall consist of (1) all bequests, fees, gifts, emoluments or donations given or paid thereto, (2) forty-five per cent of all monies received by the state from taxes on fire insurance premiums, (3) taxes paid pursuant to the provisions of section six (6) hereof, (4) interest on the investments of the fund, (5) contributions by firemen as provided for herein. The forty-five per cent of monies received from the tax on fire insurance premiums under the provisions of this act shall be distributed in the proportion that the number of paid firemen in the city or town bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the Firemen's Pension Board of each city and town now or hereafter coming under the provisions

Distribution of fire insurance premium tax proceeds.

of this act shall within thirty days after the taking effect of this amendatory act and on or before the fifteenth day of January thereafter, certify to the State Auditor the number of paid firemen in the fire department in such city or town. The State Auditor shall on or before the first day of March of each year deliver to the treasurer of each city and town coming under the provisions of this act his warrant on the State Treasurer, payable to each city or town for the amount due such city or town ascertained as herein provided and the treasurer of each such city or town shall place the amount thereof to the credit of the Firemen's Pension Fund of such city or town.

Passed the Senate February 3, 1949.

Passed the House February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 46.

[S. B. 25.]

COMBINED CITY AND COUNTY HEALTH DEPARTMENTS.

AN ACT relating to the public health; providing for the establishment of combined city and county health departments in counties which have first-class cities of one hundred thousand population or more and ratifying formations and combinations of certain governmental units as city-county health departments and expenditures by counties, cities and towns in connection therewith.

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

SECTION 1. Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint the Director of Public Health as hereinafter provided. The combination of such city and county

Combined city and county health department.

Procedure for formation.

health department under this act shall be effective whenever the governing body of the city with one hundred thousand or more population shall pass an ordinance and the Board of County Commissioners of the county in which it is located shall pass a resolution declaring intention to operate a combined health department in accordance with agreements made between their respective governing bodies.

Powers and duties of Director of Public Health.

SEC. 2. The Director of Public Health is authorized to and shall exercise all powers and perform all duties by law vested in the county health officer, and is authorized to and shall exercise all powers and perform all duties by law vested in the health officer of said city of one hundred thousand population or more.

Qualifications for Director.

SEC. 3. The Director of Public Health, under this act shall be a qualified physician or surgeon having graduated at least five years prior to appointment, shall in addition to his professional degree also hold the degree of Master of Public Health or its equivalent, and shall have had at least three years' practical experience in public health administrative work. He shall not engage in the private practice of his profession during his tenure of office. He shall not be included in the classified civil service of the said city or the said county.

Appointment of Director.

SEC. 4. The Director of Public Health under this act shall be appointed by the mayor of the city of one hundred thousand population or more, such appointment to be effective only upon a majority vote confirmation of each governing body of said city and said county. He shall be paid such salary and allowed such expenses as shall be determined annually by the governing bodies of said city and said county. He shall hold office for an indefinite term and may be removed at any time by the mayor of said city only for cause shown and after public hearing on charges reduced to writing, a copy of such

Salary.

Term of office.

Removal for cause.

charges having first been filed ten days prior to such public hearing with the governing bodies of said city and of said county.

SEC. 5. All employees of the combined city and county health department except those already covered by civil service and retirement plans, may upon passage of an ordinance by the city, be included in the civil service and retirement plans of such city: *Provided*, That residential requirements for such positions shall be coextensive with the county boundaries: *Provided further*, That the county is authorized to pay such parts of the expense of operating and maintaining such civil service and retirement system and to contribute to the retirement fund in behalf of employees such sums as may be agreed upon between the governing bodies of such city and county.

Employees may be included in civil service and retirement plans.

Contributions by county.

SEC. 6. The city by ordinance, and the county by resolution, under this act may pool all or any part of their respective funds available for public health purposes, in the office of the city treasurer in a special pooling fund to be established in accordance with agreements between the governing bodies of said city and county and which shall be expended for the combined health department.

Pooling of funds.

Special pooling fund.

SEC. 7. Any other city in said county, other governmental agency or any charitable or health agency may by contract or by agreement with the governing bodies of the combined health department receive public health services.

Contracts for health services.

SEC. 8. Nothing in this act shall prohibit the Director of Public Health as provided herein from acting as health officer for any other city or town within the county, nor from acting as health officer in any adjoining county or any city or town within such county having a contract or agreement as provided in section 7 of this act: *Provided, however*, That

Director may serve as health officer elsewhere.

before being appointed health officer for such adjoining county, the State Director of Health shall first give his approval thereto.

Director shall be registrar of vital statistics.

SEC. 9. The Director of Public Health under this act shall be registrar of vital statistics for all cities and counties under his jurisdiction and he shall and is hereby empowered to conduct such vital statistics work in accordance with the same laws and or rules and regulations pertaining to vital statistics for a city of over one hundred thousand population.

Termination of agreement.

SEC. 10. Agreement to operate a combined city and county health department made under this act may after two years from the date of such agreement, be terminated by either party at the end of any calendar year upon notice in writing given at least six months prior thereto. The termination of such agreement shall not relieve either party of any obligations to which it has been previously committed.

Notice.

Prior agreements ratified.

SEC. 11. Any expenditures heretofore made by a city of one hundred thousand population or more, and by the county in which it is located, not made fraudulently and which were within the legal limits of indebtedness, towards the expense of maintenance and operation of a combined health department, are hereby legalized and ratified.

Passed the Senate February 16, 1949.

Passed the House February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 47.

[S. B. 9.]

DESCHUTES BASIN.

AN ACT relating to the state government; authorizing the issuance of bonds against the Capitol Building Construction Fund for the completion of the DesChutes Basin; detailing the purposes for which the proceeds may be used; defining the powers of the State Capitol Committee in connection therewith; making appropriations and reappropriations; amending section 1, chapter 186, Laws of 1947; and declaring an emergency.

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

SECTION 1. There is hereby reappropriated to the State Capitol Committee from the Capitol Building Construction Fund for the biennium ending March 31, 1951, the sum of seven hundred fifty thousand dollars (\$750,000) for the use of said committee in carrying out the purposes of chapter 186, Laws of 1947, and in particular the purpose contemplated in the plan of Unit Number One adopted by it thereunder, the same being the unexpended balance of the appropriation contained in section 8, chapter 186, Laws of 1947: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 8, chapter 186, Laws of 1947.

Reappropriation to State Capitol Committee.

Purpose.

SEC. 2. There is hereby appropriated to the State Capitol Committee from the Capitol Building Construction Fund for the biennium ending March 31, 1951, an additional sum of one hundred fifty thousand dollars (\$150,000), which shall be used by the Committee for the construction and installation of radial gates, fishway screens, operating mechanism and the control house for the dam contemplated in the plan of Unit Number One adopted by the Committee; and an additional sum of four hundred thousand dollars (\$400,000) to be used for the construction of roads, fills, parkways and other im-

Appropriation to committee.

Purpose.

provements contemplated in the plan of Unit Number Two adopted by the Committee.

Emergency.

SEC. 3. This act is necessary for the preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 26, 1949.

Passed the House February 24, 1949.

Approved by the Governor March 4, 1949.

CHAPTER 48.

[S. B. 29.]

SALARIES OF ELECTIVE STATE OFFICIALS.

AN ACT fixing the compensation of certain elected state officials, legislators and judges of the Supreme Court and the Superior Court; repealing chapter 116, Laws of 1945; chapter 109, Laws of 1923; chapter 90, Laws of Ex. Sess. 1925; chapter 163, Laws of Ex. Sess. 1925; chapter 226, Laws of 1939; chapter 124, Laws of 1919; section 02.04, chapter 79, Laws of 1947; chapter 94, Laws of 1907; amending section 1, chapter 57, Laws of 1907, as last amended by chapter 194, Laws of 1947; and declaring an emergency.

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

Salaries of
elective state
officials.

SECTION 1. The annual salaries of the following named state elected officials shall be: Governor, fifteen thousand dollars (\$15,000); Lieutenant Governor, six thousand dollars (\$6,000); Secretary of State, eight thousand five hundred dollars (\$8,500); State Treasurer, eight thousand five hundred dollars (\$8,500); State Auditor, eight thousand five hundred dollars (\$8,500); Attorney General, ten thousand dollars (\$10,000); Superintendent of Public Instruction, eight thousand five hundred dollars (\$8,500); Commissioner of Public Lands, eight thousand five hundred dollars (\$8,500); State Insurance Commissioner, eight thousand five hundred dollars

(\$8,500); members of the Legislature shall receive for their services twelve hundred dollars (\$1,200) per annum, and in addition, ten cents (10¢) per mile for travel to and from legislative sessions: *Provided, however,* That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the Legislature.

SEC. 2. Section 1, chapter 57, Laws of 1907, as last amended by section 1, chapter 194, Laws of 1947, is hereby amended to read as follows: Amendment

Section 1. Each judge of the Supreme Court shall receive an annual salary of twelve thousand dollars (\$12,000), but no salary warrant shall be issued to any judge of the Supreme Court until he shall have made and filed with the State Auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months. Each judge of the Superior Court shall receive an annual salary of nine thousand dollars (\$9,000). Supreme court judges.
Affidavit of completed work.
Superior court judges.

SEC. 3. The annual salaries provided for in sections 1 and 2 of this act shall be payable to all such elective state officers from the effective date of this act. Effective date for payments.

SEC. 4. Chapter 116, Laws of 1945; chapter 109, Laws of 1923; chapter 90, Laws of Ex. Sess. 1925; chapter 163, Laws of Ex. Sess. 1925; chapter 226, Laws of 1939; chapter 124, Laws of 1919; section 02.04, chapter 79, Laws of 1947; chapter 94, Laws of 1907, are hereby repealed. Repealing clause.

SEC. 5. This act is necessary for the immediate support and preservation of the state government Emergency.

and its existing public institutions and shall take effect immediately.

Passed the Senate February 26, 1949.

Passed the House February 26, 1949.

Approved by the Governor March 5, 1949.

CHAPTER 49.

[S. B. 278.]

EXCISE TAX—AIRCRAFT.

AN ACT relating to the taxation and registration of aircraft; providing for an excise tax upon certain aircraft in lieu of property taxes thereon, and for the allocation of revenues derived therefrom; prescribing certain duties of certain state and county officers; and amending sections 23 and 25, chapter 185, Laws of 1947.

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

Definitions. SECTION 1. For the purposes of this act, unless otherwise required by the context:

"aircraft." The word "aircraft" means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air and is mechanically driven;

"Director." The word "Director" means the Director of Aeronautics; and

"person." The word "person" shall include a firm, partnership, or corporation.

Excise tax on use of aircraft. SEC. 2. An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. Said tax shall be collected for each calendar year by the auditor of the county in which the aircraft is based, and paid on and after the first day of December of the preceding year. No additional tax shall be imposed under this act upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this act with respect to such aircraft has

Payment of tax.

No tax on transfer of ownership.

already been paid for the year in which transfer of ownership occurs.

SEC. 3. The amount of the tax imposed by this act for each year shall be one per cent of the fair market value of the aircraft, as determined in the manner provided in the succeeding sections of this act: *Provided*, That upon aircraft registered for the first time under this act after March 31st and before July 1st of any year the excise tax for such year shall be reduced by one-fourth thereof; that upon aircraft so registered for the first time after June 30th and before October 1st of any year the excise tax shall be reduced by one-half thereof; and that upon aircraft so registered for the first time after September 30th of any year the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum amount payable shall be three dollars.

Amount
of tax.

SEC. 4. The Tax Commission and the Association of County Assessors and the Director shall jointly prepare and shall, on or before November 1st of each year, furnish to each County Auditor a schedule for use on and after the following December 1st in the collection of such excise tax, and all payments and collections of the tax shall be in accordance with said schedule. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of aircraft. Such aircraft shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of the aircraft within the classes as thus determined shall be applied the rate of such tax. In determining such fair market value, the Tax Commission and Association of County Assessors and the Director may use any guidebook, report or compendium of recognized standing in the aircraft industry. Such schedule shall show, so far as possible, the

Schedule
for use in
collection of
tax.

Contents of
schedule.

amount of excise tax for aircraft within each class and shall sufficiently describe the various aircraft included within each classification to enable the County Auditor to ascertain readily the amount of tax applicable to any particular aircraft.

Aircraft not appearing on schedule.

SEC. 5. Whenever a person shall apply to the County Auditor for payment of the excise tax upon an aircraft which does not appear upon the schedule provided for in the preceding section, such applicant shall be required to apply to the County Assessor of his or its county for computation of the amount of excise tax due. Upon any such application the Assessor shall appraise the aircraft at its fair market value from such aircraft guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of one per cent, and thereupon the applicant shall be given a statement showing the excise tax payable under this act.

Tax is in addition to other taxes.

SEC. 6. Except as provided in section 13, the tax imposed by this act is in addition to all other licenses and taxes otherwise imposed.

Receipt given on payment.

SEC. 7. The County Auditor shall give to each person paying the excise tax a copy of a receipt therefor on a form approved by the Director which shall designate and identify the aircraft taxed and contain such information as the Director may require. A copy of such receipt shall be transmitted by the Auditor to the Director.

Contents of receipt.

Tax collected credited to Motor Vehicle Excise Fund.

SEC. 8. The County Auditor shall regularly, when remitting motor vehicle license fee and excise tax receipts, pay to the State Treasurer the excise taxes collected under this act, which shall be credited by the State Treasurer to the Motor Vehicle Excise Fund.

Refund for erroneous overpayment.

SEC. 9. In case a claim is made by any person that he has paid an erroneously excessive amount

of excise tax under this act, he may apply to the Tax Commission for a refund of the claimed excessive amount. The Commission shall review such application, and if it shall determine that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the Tax Commission and by the issuance of a state warrant drawn upon and payable from such funds as the Legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the Tax Commission within ninety days after such claimed excessive excise tax was paid.

Application must be filed within 90 days.

SEC. 10. This act shall not apply to:

Exceptions.

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Publicly owned.

Aircraft registered under the laws of a foreign country;

Foreign.

Aircraft which are owned by a non-resident and registered in another state: *Provided*, That if any such aircraft shall remain in and/or be based in this state for a period of ninety consecutive days or longer it shall not be exempt under this section;

Non-resident.

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft.

Interstate commerce.

SEC. 11. Section 23, chapter 165, Laws of 1947 (sec. 10964-103, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Certificate for, permit or license of aircraft and airman.

Section 23. It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the Director, if registration of the aircraft with said commission is required by this act. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States.

To be kept on person or in view in plane.

Where a certificate, permit, rating or license is required for an airman by the United States, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this act for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the Department of Aeronautics authorized pursuant to this act to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

Inspection of certificates.

Amendment.

SEC. 12. Section 25, chapter 165, Laws of 1947 (sec. 10964-105, Rem. Supp. 1947), is amended to read as follows:

Registration of aircraft.

Section 25. Every aircraft shall be registered with the State Aeronautics Commission for each

calendar year in which the aircraft is operated within this state. A fee of two dollars shall be charged for each such registration and each annual renewal thereof. Registration certificates issued after June 30th of any year, shall be issued at the rate of fifty per cent of the annual fee.

Fee.

Possession of the appropriate effective Federal certificate, permit, rating or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by this state for the privilege of using the aircraft within this state during the year for which registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

Requisites for registration.

The registration fee imposed by this act shall be payable to and collected by the Auditor of the county in which the aircraft is based. The fee for any calendar year may be paid on and after the first day of December of the preceding year, and shall be collected by the Auditor at the time of the collection by him of the aforementioned excise tax. The County Auditor shall give to each person paying the registration fee imposed by this act and said excise tax a copy of a receipt therefor, on a form which shall be furnished by the Director, which receipt shall designate and identify the aircraft with respect to which the registration fee was paid, and shall contain such additional information as the Director may require. A duplicate copy of said receipt shall be transmitted by the Auditor to the Director. If the Director is satisfied from the information set forth in such receipt and from any other information which he may obtain that the requirements for registration of the aircraft have been met, he shall thereupon issue and mail to the owner of the aircraft a certificate of registration therefor. The County Auditor shall, when remitting motor vehicle

Payment of fee.

Receipt of payment.

Contents of receipt.

Duplicate copy.

Certificate of registration.

Fees
remitted to
State
Treasurer.

and aircraft excise taxes, pay to the State Treasurer the registration fees collected under this act, which registration fees shall be credited to the General Fund.

Evidence of
registration.

It shall not be necessary for the registrant to provide the Director with originals or copies of Federal certificates, permits, ratings or licenses. The Director shall issue certificates of registration, or such other evidences of registration or payment of fees as he may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences: *Provided*, That the provisions of this section shall not apply to:

Exceptions.

Publicly
owned.

An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

Foreign.

An aircraft registered under the laws of a foreign country;

Non-
resident.

An aircraft which is owned by a non-resident and registered in another state: *Provided*, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Interstate
commerce.

An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

Test and ex-
perimental.

An aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft.

Notification
of change of
ownership.

The Director shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or

NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the Director, the registration of that aircraft may be cancelled by the Director, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

SEC. 13. The first tax to be collected under this act shall be for the calendar year 1950. No aircraft with respect to which the excise tax imposed by this act is payable shall be listed and assessed for ad valorem taxation in the year 1949 or any succeeding year, for taxes of the year 1950 or any succeeding year, so long as this act remains in effect, and any such assessment heretofore made in 1949 is hereby directed to be cancelled: *Provided*, That any aircraft, whether or not subject to the provisions of this act, with respect to which the excise tax imposed by this act will not be paid or has not been paid for any year shall be listed and assessed for ad valorem taxation in that year, and the ad valorem tax liability resulting from such listing and assessment shall be collected in the same manner as though this act had not been assessed: *Provided, further*, That this act shall not be construed to affect any ad valorem tax based upon assessed valuations made in 1948 and/or any preceding year for taxes payable in 1949 or any preceding year, which ad valorem tax liability tax for any such years shall remain payable and collectible in the same manner as though this act had not been passed.

Effective
date of tax.

Ad valorem
taxation
cancelled.

Exceptions.

Passed the Senate February 24, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 9, 1949.

CHAPTER 50.

[H. B. 241.]

FAMILY COURT.

AN ACT establishing a Family Court as a branch of the Superior Court, conferring upon it certain jurisdiction over divorce, separate maintenance and annulment proceedings, and prescribing procedure.

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

Family court.

SECTION 1. Each Superior Court shall exercise the jurisdiction conferred by this act and while sitting in the exercise of such jurisdiction shall be known and referred to as the "Family Court."

Judges designated to hold family court.

SEC. 2. In counties having more than one judge of the Superior Court the judges of such Court shall annually, in the month of January, designate one or more of their number to hear all cases under this act. The judge or judges so designated shall hold as many sessions of the Family Court in each week as are necessary for the prompt disposition of matters before the court.

Judge of family court may transfer case.

SEC. 3. The judge of the Family Court may transfer any case before the Family Court pursuant to this act to the department of the presiding judge of the Superior Court for assignment for trial or other proceedings by another judge of the Court, whenever in the opinion of the judge of the Family Court such transfer is necessary to expedite the business of the Family Court or to insure the prompt consideration of the case. When any case is so transferred, the judge to whom it is transferred shall act as the judge of the Family Court in the matter.

Temporary judge of family court.

SEC. 4. In counties having more than one judge of the Superior Court the presiding judge may appoint a judge other than the judge of the Family Court to act as judge of the Family Court during any

period when the judge of the Family Court is on vacation, absent, or for any reason unable to perform his duties. Any judge so appointed shall have all the powers and authority of a judge of the Family Court in cases under this act.

SEC. 5. In class "A" counties and counties of the first and second classes, the Superior Court may appoint the following persons to assist the Family Court in disposing of its business:

Appointment of personnel to assist court.

(a) One or more competent persons to act as Family Court commissioners, and

(b) Such investigators, stenographers and clerks as the Court shall find necessary to carry on the work of the Family Court.

The appointments provided for in this section shall be made by majority vote of the judges of the Superior Court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family Court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the County Commissioners shall determine.

Appointments made by majority vote of judges.

SEC. 6. The Family Court commissioners shall:

(a) receive all applications and complaints filed in the Family Court for the purpose of disposing of them pursuant to this act; (b) investigate the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings filed in or transferred to the Family Court pursuant to this act; (c) for the purpose of this act, exercise all the powers and perform all the duties of regular Court Commissioners; (d) hold conciliation conferences with parties to and hearings in proceedings under this act and make written reports of all proceedings had which shall become a part of the record of the Family Court; (e) provide such supervision in con-

Duties of court commissioners.

nection with the exercise of its jurisdiction as the judge of the Family Court may order, (f) cause the orders and findings of the Family Court to be entered in the same manner as orders and findings are entered in cases in the Superior Court; and (g) cause such other reports to be made and records kept as will indicate the value and extent of such conciliation service.

Probation officer shall assist court.

SEC. 7. The probation officer in every county shall give such assistance to the Family Court as may be requested to carry out the purposes of this act and to that end the probation officer shall, upon request, make investigations and reports as requested, and in cases pursuant to this act shall exercise all the powers and perform all the duties granted or imposed by the laws of this state relating to probation or to probation officers.

Publication of matters contrary to public policy may be suppressed.

SEC. 8. Whenever any judge before whom any matter arising under this act is pending, deems publication of any matter before the Court contrary to public policy or injurious to the interests of children or to the public morals, he may by order close the files or any part thereof in the matter and make such other orders to protect the privacy of the parties as is necessary.

Controversies over which family court has jurisdiction.

SEC. 9. Whenever any controversy exists between spouses which may result in the dissolution or annulment of the marriage or the disruption of the household, and there is any minor child of the spouses or of either of them whose welfare might be affected thereby, the Family Court shall have jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy as provided in this act.

SEC. 10. Prior to the filing of any action for divorce, annulment or separate maintenance, either spouse or both spouses may file in the Family Court

a petition invoking the jurisdiction of the Court for the purpose of preserving the marriage by effecting a reconciliation between the parties or for amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved. In any case where an action for divorce, annulment or separate maintenance shall have been filed, either party thereto may by petition filed therein have the cause transferred to the Family Court for proceedings in the same manner as though action had been instituted in the family court in the first instance.

Petition for conciliation.

SEC. 11. The petition shall contain: The title of the proceeding, specifying the name of the Court, which shall be in substantially the following language, "In the Superior Court of the State of Washington, for County, In Family Court;" the name of the parties to the proceeding, petitioner and respondent; a plain and concise statement of the facts of the controversy and a prayer for the relief sought.

Contents of petition.

SEC. 12. The petition shall: (a) briefly allege that a controversy exists between the spouses and request the aid of the Family Court to effect a reconciliation or an amicable settlement of the controversy; (b) state the name and age of each minor child whose welfare may be affected by the controversy; (c) state the name and address of the petitioner or petitioners; (d) if the petition is presented by one spouse only, name the other spouse as respondent and state the address of that spouse; (e) name any other person who has any relation to the controversy and state the address of the person if known to the petitioner; and (f) state such other information as the Court may by rule require.

SEC. 13. The Clerk of the Superior Court shall provide at the expense of the county blank forms

Free forms for petitions supplied.

Personnel to assist with petition upon request.

for petitions for filing pursuant to this act. Probation officers of the county and the attaches and employees of the Family Court shall assist any person in the preparation and presentation of any such petition when requested. All public officers in each county shall refer to the Family Court all petitions and complaints made to them with respect to controversies within the jurisdiction of the Family Court.

No fees shall be charged.

SEC. [14.] No fee shall be charged by the County Clerk for filing the petition nor shall a fee be charged by any officer for the performance of a duty pursuant to this act.

Notice of filing petition and of hearing.

SEC. 15. The Court shall fix a reasonable time and place for hearing on the petition and shall cause notice of the filing of the petition and of the time and place of the hearing as it deems necessary to be given the respondent. The Court may issue a citation to any respondent, requiring him to appear at the time and place stated in the citation and require the attendance of witnesses as in other civil cases.

Place of hearing.

SEC. 16. For the purpose of conducting hearings pursuant to this act the Family Court may be convened at any time and place within the county and the hearing may be had in chambers or otherwise.

Hearing.

SEC. 17. The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the spouses or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this act, the Court may, with the consent of both the parties to the proceeding, recommend or invoke the aid of physicians, psychiatrists or other specialists or the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall not be at the expense of the Court

or of the county unless the Board of County Commissioners shall specifically authorize such aid.

SEC. 18. At or after hearing, the Court may make such orders in respect to the conduct of the spouses and the subject matter of the controversy as the Court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than thirty (30) days from the filing of the petition, unless the parties mutually consent to an extension of such time.

Court orders.

Effective time of orders.

SEC. 19. During the period of thirty (30) days after filing a petition for conciliation no action for divorce, annulment or separate maintenance shall be filed by either spouse and further proceedings in an action then pending in the Superior Court shall be stayed and the case transferred to the Family Court: *Provided*, The Family Court shall have full power in all pending cases to make, alter, modify and enforce all temporary orders, orders for custody of children, possession of property, attorneys' fees, suit money or costs as may appear just and equitable; if, after the expiration of such thirty (30) day period or the formal conclusion of the proceedings for conciliation, the controversy between the spouses, in the meantime not having been terminated, either spouse may apply for divorce, annulment of marriage, or separate maintenance by filing in the clerk's office additional pleadings complying with the requirements relating to divorce, annulment of marriage, or separate maintenance, respectively, or by asking that the pending case be set for trial; and the Family Court shall have full jurisdiction to hear, try, and determine such action for divorce, annulment of marriage, or separate maintenance under the laws relating thereto, and to retain jurisdiction of the case for further hear-

Upon filing petition all other proceedings stayed 30 days.

Orders in pending cases may be modified.

Conciliation may be used for post-divorce problems.

ings on decrees or orders to be made therein. The conciliation provisions of this act may be used in regard to post-divorce problems, concerning support, visitation, contempt, or for modification based on changed conditions, in the discretion of the Family Court.

Retention of jurisdiction by family court.

'The Family Court may retain jurisdiction in any proceedings for a longer period than thirty (30) days upon good cause appearing therefor on its own motion for further conciliation or upon application of either of the spouses, but in no event shall retain jurisdiction more than ninety (90) days without the written consent of both spouses filed with the Court. Except as specifically so provided nothing in this act shall be construed to repeal, nullify or change the law and procedure relating to divorce, annulment or separate maintenance; and the Family Court shall, when application for relief is made under this act, apply such laws in the same manner as if the action had been brought thereunder in the Superior Court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.

Act does not change law and procedure.

Superior Court may transfer case to family court when minor child's welfare affected.

SEC. 20. Whenever any action for divorce, annulment of marriage or separate maintenance is filed in the Superior Court and it appears to the Court at any time during the pendency of the action that there is any minor child of the spouses or of either of them whose welfare may be affected by the dissolution or annulment of the marriage or the disruption of the household, the case may be transferred to the Family Court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this act.

SEC. 21. Whenever application is made to the Family Court for conciliation proceedings in respect to a controversy between spouses or a contested action for divorce, annulment or separate maintenance, but there is no minor child whose welfare might be affected by the results of the controversy, and it appears to the Court upon recommendation of counsel or otherwise that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the Court in cases involving children will not be seriously impeded by acceptance of the case, the Court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the Court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this act in similar cases involving the welfare of children.

Conciliation proceedings where no minor children affected.

Passed the House February 23, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 12, 1949.

CHAPTER 51.

[H. B. 528.]

LICENSING OF BARBERS.

AN ACT relating to the practice of barbering; providing for examinations and licensing therefor; providing for and regulating the teaching thereof; providing for and regulating barber schools and barber colleges in connection therewith; and amending sections 2, 3, 5 and 13, chapter 75, Laws of 1923, as amended; sections 6, chapter 75, Laws of 1923, as amended; and section 7, chapter 209, Laws of 1929.

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

SECTION 1. Section 2, chapter 75, Laws of 1923, Amendment. as last amended by section 1, chapter 199, Laws of

1937 (sec. 8277-2, Rem. Rev. Stat. Supp.), is amended to read as follows:

License required.

Student barber's certificate required.

Licensed employees.

Student barbers.

Section 2. It shall be unlawful for any person to practice barbering as hereinbefore defined unless he shall first have obtained and holds a valid license to practice barbering in this state, except that any student barber holding a valid student barber certificate duly issued under this act shall be entitled to study the practice of barbering in any barber school or barber college authorized under this act. Likewise, it shall be unlawful for any person, firm or corporation to hire or employ any person to engage in the practice of barbering in this state unless such person then holds a valid license to practice barbering as provided in this act, except that any barber school or barber college duly authorized under this act shall be entitled to grant to any person holding a valid student barber certificate admission to study the practice of barbering therein.

Amendment.

SEC. 2. Section 3, chapter 75, Laws of 1923, as last amended by section 2, chapter 199, Laws of 1937 (sec. 8277-3, Rem. Rev. Stat. Supp.), is amended to read as follows:

Applications and qualifications for licenses.

Certificate of of physician.

Section 3. Any person of good moral character, free from contagious or infectious disease, at least sixteen years of age, having a diploma showing graduation from an eighth grade grammar school or capable of proving an equivalent education, and holding a license authorizing him to practice barbering in any one of the other states of the United States shall be deemed qualified to make application for a license to practice barbering in this state. Every such qualified applicant shall file his application in the manner provided by law, on forms prescribed by the Director of Licenses. Each such application shall have attached thereto the certificate of a licensed physician and surgeon that the said appli-

cant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens of this state that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant and a photostatic copy of his license authorizing him to practice barbering in one of the other states of the United States. Every such applicant shall pay a fee of five dollars, which fee shall accompany his application. The Director of Licenses upon the receipt of such application and fee shall notify the applicant of the particular date, city and place where he is to appear for his examination for a license to practice barbering in this state.

Certificate of moral character.

Fee.

Examination for license.

SEC. 3. Section 5, chapter 75, Laws of 1923, as last amended by section 3, chapter 199, Laws of 1937 (sec. 8277-5, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Section 5. It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this act unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this act. Any person of good moral character, free from contagious or infectious disease, at least sixteen years of age, and holding a diploma showing graduation from an eighth grade grammar school, or capable of proving an equivalent education, shall be deemed qualified to make application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college authorized under this act. Every such qualified applicant shall file his application in the manner provided by law, on forms prescribed by the Director of Licenses. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the

Student barber certificate.

Qualifications.

Application.

Certificate of physician.

Certificate of moral character. said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens of this state that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant.

Fee. Every such applicant shall pay a fee of one dollar, which fee shall accompany his application. The Director of Licenses upon the receipt of such application and fee shall issue to such qualified applicant

Certificate. a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to renewal annually thereafter upon the payment of a fee of one dollar: *Provided*, That any student barber holding (1) a valid student barber certificate, and (2) a graduation certificate from any barber school or barber college authorized under this act shall be deemed qualified to make application for a license to practice barbering in this state. Each such qualified applicant shall file his application in the manner provided by law, on forms prescribed by the Director of Licenses. Each such applicant shall pay a fee of five dollars, which fee shall accompany his application. The Director of Licenses upon the receipt of such application and fee shall notify the applicant of the particular date, city and place where he is to appear for his examination for a license to practice barbering in this state.

Application for license.

Fee.

Examination for license.

Amendment. SEC. 4. Section 6, chapter 75, Laws of 1923, as last amended by section 3, chapter 209, Laws of 1929 (sec. 8277-6, Rem. Rev. Stat.), is amended to read as follows:

Barber examinations. Section 6. Barber examinations shall be held at least six times in each year on one or more of the first ten days in the months of February, April, June, August, October and December; and on such particular dates, within the said times, and in such particular cities and places as the Director of Li-

Time and place.

censes shall determine. Every applicant for a license to practice barbering in this state shall be required to take a written examination in sanitation and sterilization as applied to the practice of barbering, and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin and scalp, to avoid spreading thereof in the practice of barbering; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) hair-cutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools. Any such applicant who secures an average grade of not less than seventy-five per cent in his written examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five per cent of perfect, and possesses the other particular qualifications provided in this act, shall be entitled to receive, and the Director of Licenses shall issue to him, a license to practice barbering in this state, until the first day of July next following the issuance of such license: *Provided*, That any unsuccessful applicant for a license to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be re-examined for a license to practice barbering in this state upon the payment of a re-examination fee of five dollars, and which re-examination fee shall be paid at the time of such re-examination.

Contents of examination.

Grading.

License issued.

Unsuccessful applicant may take subsequent examination.

Re-examination fee.

SEC. 5. Section 13, chapter 75, Laws of 1923, as last amended by section 4, chapter 199, Laws of 1937 (sec. 8277-13, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Display of license or student barber certificate.

Section 13. It shall be the duty of the holder of any license to practice barbering or student barber certificate issued under this act to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve.

Amendment.

SEC. 6. Section 7, chapter 209, Laws of 1929 (sec. 8277-14a, Rem. Rev. Stat.), is amended to read as follows:

Barber college.

Section 14a. It shall be unlawful for any barber school or barber college authorized under this act to grant admission to or instruct any person in the practice of barbering therein unless such person then holds a valid student barber certificate issued under this act. Every such barber school or barber college shall require as a prerequisite to graduation therefrom the completion of a course of instruction and practice therein of not less than one thousand hours, to be completed in not less than six months' time from the date of the admission of such barber student. Such course of instruction and practice shall include, in addition to the subjects and practice hereinbefore prescribed, instruction in the following subjects: (1) scientific fundamentals of barbering, as set forth with particularity in the latest revised edition of either of the following textbooks: (a) "Standardized Textbook of Barbering," published by the Associated Master Barbers of America, Chicago, Illinois, or (b) "Textbook of Practical and Scientific Barbering," published by the Journeymen Barbers, Educational Department, Indianapolis, Indiana; (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; and (4) coloring and bleaching the hair. Each student barber upon the completion of the said prescribed course of instruction and practice shall be issued a graduation certificate from such barber school or

Student must have student barber certificate.

Course of instruction.

barber college. Each such graduate student shall be furnished a certified copy of his graduation certificate by such barber school or barber college for his use in filing his application for a license to practice barbering in this state as hereinbefore provided.

Graduation
certificate.

Passed the House March 8, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 14, 1949.

CHAPTER 52.

[H. B. 254.]

MOTOR VEHICLE OPERATORS LICENSE FEES AND APPROPRIATIONS.

AN ACT relating to motor vehicle operators' licenses and the fees paid therefor; amending section 53, chapter 188, Laws of 1937, and section 71, chapter 188, Laws of 1937, as amended by section 19, chapter 164, Laws of 1947, and making appropriations.

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

SECTION 1. Section 53, chapter 188, Laws of 1937, is amended to read as follows: Amendment.

Section 53. The State Treasurer upon receipt of application for vehicle operator's license and fee in the sum of three dollars (\$3), shall endorse thereon his official receipt for the fee collected and transmit the application to the Director of Licenses, who shall issue to every person qualified to be licensed as a vehicle operator, a vehicle operator's license, which shall bear the distinguishing number assigned to the license and a brief description of the licensee for the purpose of identification, also a space for the signature of the licensee.

Vehicle
operator's
license fee.

Vehicle
operator's
license.

SEC. 2. Section 71, chapter 188, Laws of 1937, as amended by section 19, chapter 164, Laws of 1947, is amended to read as follows: Amendment.

Disbursement of moneys collected.

Highway Safety Fund.

State Parks and Parkways Fund.

Expenses.

Appropriation from Parks and Parkways Fund.

Section 71. The Director of Licenses or his agents, including County Auditors, shall forward all funds accruing under the provisions of this chapter to the State Treasurer together with a proper identifying, detailed report. The State Treasurer shall deposit such moneys to the credit of the Highway Safety Fund except that out of each fee of three dollars (\$3) collected for a vehicle operator's license the sum of one dollar and 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.

SEC. 3. There is hereby appropriated from the Parks and Parkways Fund, for the biennium beginning April 1, 1949, the sum of one million two hundred thousand dollars (\$1,200,000), or so much thereof as shall be found necessary for the purchase, condemnation and improvement of land and construction of buildings and other improvements, including necessary salaries and wages incident thereto allocated as follows:

State Parks Shop.....	\$20,000
State Parks Garage.....	\$2,000
Beacon Rock State Park.....	\$15,000
Bogachiel State Park.....	\$1,500
Bridgeport State Park.....	\$30,000
Bridle Trails State Park.....	\$1,000
Brooks Memorial State Park.....	\$9,000
Bush Pacific Pioneer State Park.....	\$500
Camano Island State Park.....	\$5,000
Conconully State Park.....	\$23,000
Deception Pass State Park.....	\$40,000
Dry Falls State Park.....	\$3,000
Fay-Bainbridge State Park.....	\$9,000
Federated Forest State Park.....	\$8,000
Fields' Spring State Park.....	\$20,000
Ginkgo Petrified Forest State Park.....	\$25,000
Illahee State Park.....	\$49,700
Kamiak Butte State Park.....	\$38,600
Lake Chelan State Park.....	\$15,000
Lake Sylvia State Park.....	\$15,000

Larrabee State Park.....	\$16,000
Lewis & Clark State Park.....	\$15,000
Lewis & Clark Trail State Park.....	\$8,000
Millersylvania State Park.....	\$25,000
Moran State Park.....	\$10,800
Moses Lake State Park.....	\$22,000
Mt. Spokane State Park.....	\$154,500
Mukilteo State Park.....	\$65,000
Palouse Falls State Park.....	\$7,000
Peace Arch State Park.....	\$20,000
Pend Oreille State Park.....	\$3,000
Rainbow Falls State Park.....	\$3,000
Riverside State Park.....	\$67,000
Sacajawea State Park.....	\$5,500
Saltwater State Park.....	\$68,800
Schafer State Park.....	\$3,600
Sequim Bay State Park.....	\$20,000
Steptoe Butte State Park.....	\$1,000
Sun Lakes State Park.....	\$49,000
Twanoh State Park.....	\$49,000
Twin Harbors Beach State Park.....	\$34,000
Wenatchee Lake State Park.....	\$18,000
Wenberg State Park.....	\$4,500
Yakima State Park.....	\$75,000
Fort Columbia State Park.....	\$15,000
Hidden Valley State Park.....	\$10,000
Historical Sites (purchase and develop).....	\$50,000
New Park Properties (statewide— purchase and develop).....	\$50,000

Passed the House February 14, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 14, 1949.

CHAPTER 53.

[S. B. 20.]

APPROPRIATION—MINE TO MARKET ROADS

AN ACT relating to public highways and appropriating for the Mine to Market Road Commission.

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund the sum of three hundred thousand dollars (\$300,000) to the Mine to Market Road Fund for the location, establishment and construction

Appropriation to Mine to Market Road Fund.

of mine to market roads and trails, which sum shall be contributed in the following manner: Seventy-five per cent (75%) from that portion of the net tax amount remaining in the Motor Vehicle Fund after credit has been made to the incorporated cities and towns and to the counties, and twenty-five per cent (25%) from that portion of the net tax amount in the Motor Vehicle Fund credited to counties, the said twenty-five per cent (25%) of the county's share of the net tax amount in the Motor Vehicle Fund to be set aside for their Mine to Market Road Fund as soon as such an amount has been accumulated and before any monthly disbursements are made to the counties from the county's share of the Motor Vehicle Fund.

Appropriation to Commission.

SEC. 2. To carry out the purposes of chapter 222, Laws of 1945, there is hereby appropriated from the Mine to Market Road Fund to the Mine to Market Road Commission the sum of three hundred thousand dollars (\$300,000) or so much thereof as may be necessary.

Passed the Senate January 24, 1949.

Passed the House March 4, 1949.

Approved by Governor March 16, 1949.

CHAPTER 54.

[S. B. 33.]

CONDEMNATION OF LAND FOR SCHOOL PURPOSES

AN ACT relating to education; providing for the condemnation of land for any school purpose and amending section 13, Article II, subchapter 4, title III, chapter 97, Laws of 1909; and declaring an emergency.

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

Amendment.

SECTION 1. Section 13, Article II, subchapter 4, title III, chapter 97, Laws of 1909 (sec. 4788, Rem. Rev. Stat.), is amended to read as follows:

Section 13. The board of directors of any school district of this state may proceed to condemn and appropriate sufficient land for any school purpose not to exceed fifteen acres; such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

Condemnation for any school purpose.

SEC. 2. This act is necessary for the preservation of the public peace, health, and safety, and shall take effect immediately.

Emergency.

Passed the Senate February 18, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 55.

[S. B. 71.]

SCHOLARSHIPS.

AN ACT relating to certain fee exemptions and scholarship awards by the university and state college; and amending section 1, chapter 236, Laws of 1945 (sec. 4543-15, Rem. Supp. 1945).

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

SECTION 1. Section 1, chapter 236, Laws of 1945 (sec. 4543-15, Rem. Supp. 1945), is amended to read as follows:

Amendment.

Section 1. The University of Washington and Washington State College shall each have the authority to award, during each academic year, not to exceed one hundred scholarships to students or graduates of universities or colleges of friendly foreign nations, and to exempt the recipients thereof from the payment of tuition, library and incidental fees for the scholarship period: *Provided*, That the university and state college obtain satisfactory assurance that educational institutions of the said friendly foreign nations will offer now or in the

Scholarships granted by University and State College.

future reciprocal privileges to a similar number of students or graduates of the University of Washington or Washington State College.

Passed the Senate February 9, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 56.

[S. B. 84.]

IRRIGATION DISTRICTS—BOARD OF JOINT CONTROL

AN ACT relating to irrigation districts; providing for the creation of Boards of Joint Control to administer the operation, maintenance, betterments and regulation of the water works, main and branch canals and water lines, and other water facilities of two or more irrigation districts and others which are owners of water rights having the same natural source and which use the same common works for the diversion and transportation of all or any part of their respective irrigation water supplies; prescribing the membership of the Board of Joint Control, defining its powers and duties; and declaring an emergency.

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

Joint Board of Control.

SECTION 1. A Board of Joint Control to administer the operation, maintenance, betterments and regulations of the water works, main, and branch canals, if any, and water lines and other water facilities of two or more irrigation districts and others which are the owners of water rights having the same natural source and which use the same common works for the diversion and transportation of all or any part of their respective irrigation water supplies, may be created as hereinafter provided.

Petition for creation of Joint Board.

SEC. 2. For the purpose of creating such Board of Joint Control a petition signed by three or more owners of water rights having the same natural source of water and which owners use common works for the diversion and transportation of all or any part

of their respective irrigation water supplies, as aforesaid, shall be filed with the Board of County Commissioners of the county in which the greater part of the land irrigated from said source of water supply is situated. No irrigation district shall be represented on said petition without the signatures of the entire membership of its Board of Directors.

SEC. 3. The petition for the creation of a Board of Joint Control shall be addressed to the Board of County Commissioners, shall describe generally the water works, main, and branch canals, if any, and water lines and other water facilities involved, giving them their local names, if any they have, and shall show generally the physical relationship of the lands being watered from the common use of said water works, canals, lines and other water facilities: *Provided*, That lands included in any irrigation district involved need not be described individually but shall be included by stating the name of the irrigation district and all the irrigable lands in the irrigation district named shall by that method be deemed to be involved unless otherwise specifically stated in the petition. The petition shall also state generally the reasons for the creation of a Board of Joint Control and any other matter the petitioners deem material and shall allege that it is in the public interest and to the benefit of all the owners of the lands receiving water from said common source, that said Board of Joint Control be created and pray that the Board of County Commissioners consider said petition and take the necessary steps provided by law for the creation of a Board of Joint Control. The petition shall be accompanied by a map showing the general location of the water works, main, and branch canals, if any, and water lines and other water facilities.

Contents
of petition.

SEC. 4. Upon the filing of a petition for the creation of a Board of Joint Control the Board of County

Filing of
petition.

Hearing of
petition.

Commissioners at a regular meeting or at a special meeting shall examine the petition and, if found regular in form, shall accept the same for filing, and shall fix a time and place for hearing said petition.

Notice of
hearing.

SEC. 5. Notice of the hearing on said petition shall be given by the Clerk of the Board of County Commissioners by publishing the same, at the cost of the Board of Control, if created, otherwise at the cost of the petitioners, in the official newspaper of the county in at least three weekly issues thereof: *Provided*, That the time of the hearing shall not be less than thirty days from the date of the first publication of said notice. A copy of said notice shall be posted at the regular meeting place of the Board of Directors of each irrigation district concerned in the granting or denial of said petition and a copy of the notice shall be mailed to the Department of Conservation and Development at Olympia at least thirty days prior to the day of said hearing.

Contents of
notice.

SEC. 6. The notice of the hearing on said petition shall state that a petition praying for the creation of a Board of Joint Control to administer the operation, maintenance, betterments and regulation of the water works, main, and branch canals, if any, and water lines, naming them, if named in the petition, and other water facilities involved, has been filed with the Board of County Commissioners of the county (naming it); that said Board of Joint Control, if it is created, will have authority to provide for assessments to carry out the objects of its creation against the irrigable lands in the several irrigation districts (naming them) and against any other lands involved if set out in the petition (describing them); shall state the day, hour, and place of hearing on the petition; shall state that any person interested in the creation of said Board of Joint Control may appear on or before the day of hearing on said petition, and show cause in writing, if any he has, why the same

should not be granted, and the notice shall be over the name of the Clerk of the Board of County Commissioners.

SEC. 7. The Board of County Commissioners, at the time and place mentioned in the notice of hearing or at the time or times to which the hearing on said petition may be adjourned, shall proceed to hear the petition and all evidence submitted against and in support of the same. The Board of County Commissioners shall have full authority to adjourn the hearing from time to time not exceeding four weeks in all and to grant or reject the petition, and to determine the matter; any irregularities or omissions in the allegations of the petition shall not be held or construed to deprive the Board of County Commissioners of jurisdiction and authority to consider and determine the matter of any such petition accepted by it for consideration and said Board of County Commissioners shall have full authority to make such independent investigation of the matter of such petition as it shall deem advisable and to base its judgment on such independent investigation as well as upon the evidence submitted for and against the petition upon a hearing thereon as hereinafter provided.

Hearing.

Independent investigation.

SEC. 8. If the Board of County Commissioners determine that the creation of a Board of Joint Control is in the public interest and is of benefit to the lands concerned, it shall so find and adopt a resolution creating the Board of Joint Control, designating it (give [giving] the name of county) County Joint Control Board No. (specify number), and the County Board at the same time shall appoint the president of the Board of Directors of each irrigation district involved and the resident owner of each individual tract of land involved or such other person as any said landowner shall designate in writing, as the first members of said Board of Joint Control and said

Resolution to create Board of Joint Control.

President of board of directors.

Members of Board.

Copy filed with County Assessor.

Board of Joint Control shall consist of said membership. A copy of said resolution creating the Board of Joint Control certified by the Clerk of the County Board shall be filed with the County Assessor of the county in which the Board of Joint Control was created and with the County Assessor in any other county in the state in which any lands involved are situated, within five days after said resolution is adopted.

Office of Board.

Oath of office.

Filing of oath.

Term of office.

Selection of members of Board.

SEC. 9. The principal office and place of business of the Board of Joint Control shall be at a place to be designated by the Board in the county in which the Board was created. Each member of the Board before entering on the duties of his office shall subscribe a written oath for the faithful discharge of his duties as such member and file the same with the County Clerk of said county. The filing of such oath shall be without Clerk's fee. The term of office of members of the Board shall be for one year or fraction thereof ending on the first Monday in March next following their selection and until their respective successors are selected as herein provided. The term of the first members of the Board shall also be as above stated. In January of each year the Board of Directors of each irrigation district concerned shall designate in writing and deliver to the Board of Joint Control, the name of the person who shall represent the district on the Board of Joint Control for the ensuing year. Likewise, the owners of land concerned but not in the irrigation district, shall each designate in writing a person to represent their respective lands and file the same with the Board of Joint Control and that Board shall select from the list of persons so filed, one person to represent the lands outside any irrigation district on the Board of Joint Control for the ensuing year. The persons so selected as aforesaid shall constitute the Board of Joint Control for such year and until their respective

successors are selected and have qualified. Any irrigation district or owner of land not in a district as the case may be, which fails to designate its or his representative and to file the same as above provided shall not be entitled to representation on the Board unless and until such requirements are complied with.

SEC. 10. In the month of March in each year the members of the Board of Joint Control shall meet and organize as a board for the ensuing year and shall select a chairman from their number and appoint a secretary who may, but need not, be a member of the Board, and who shall keep a record of their proceedings, and perform such other duties as the Board shall prescribe. Business of the Board shall be transacted at meetings thereof and a majority of the qualified membership of the Board shall constitute a quorum for the transaction of business and in all matters requiring action by the Board there shall be a concurrence of at least a majority of the members present. All meetings of the Board shall be public.

Meetings of Board.

SEC. 11. Each member of the Board of Joint Control shall receive not to exceed ten dollars per day in attending meetings of the Board to be determined by the Board, and such compensation, not exceeding ten dollars per day for other services previously authorized and rendered the Board, and in addition thereto, the members shall receive necessary expenses in attending meetings or when otherwise engaged on the business of the Board. The Board shall fix the compensation to be paid the secretary and all other agents and employees of the Board.

Compensation of members.

SEC. 12. A Board of Joint Control created under the provisions of this act shall have full authority to enter into and perform any and all necessary contracts, to appoint and employ and discharge the necessary officers, agents and employees, to sue and

Authority of Board.

Members not personally liable.

be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation districts and others represented on the Board as a whole have a common interest without making such districts and other parties to the suit to represent said districts and others in all matters of common interest as a whole within the scope of this act and to do any and all lawful acts required and expedient to carry out the purposes of this act: *Provided*, That nothing in this act contained shall be held or construed to give the Board of Joint Control authority to abridge, increase or modify the water rights of any irrigation district or others represented on the Board or the privileges or burdens incident thereto or connected therewith and in the apportionment of expenses and outlays chargeable to the respective irrigation districts and others, the Board shall be bound by their respective water rights and appurtenant privileges and burdens.

Budget of expenses and outlays.

SEC. 13. In September of each year the Board of Joint Control shall prepare a budget of its estimated expenses and outlay for the ensuing calendar year and the apportionment thereof chargeable against the several irrigation districts and others coming within the jurisdiction of the Board and shall fix a time and place when said budget shall be considered and adopted by the Board. Notice of the hearing of the budget signed by the secretary of the Board shall be published in at least two weekly issues of a newspaper of general circulation in each county in which any lands chargeable with said expense and outlay of the Board are situated. The date of the first publication of such notice shall be not less than ten days prior to the day of said hearing.

Time and place of hearing.

Notice of hearing.

Hearing.

SEC. 14. At the time and place stated in said notice the Board shall meet and consider any objections and suggestions as to the items of said budget which may be offered by any interested person and may

adjourn its meeting from time to time not exceeding ten days in all and shall finally determine the same and adopt a budget for its operations for the ensuing calendar year.

SEC. 15. Immediately after final adoption of the budget the secretary of the Board shall mail or deliver a copy thereof showing the apportionment of the charge to each irrigation district, to the secretary of each irrigation district coming under the jurisdiction of the Board of Joint Control and it shall be the duty of each irrigation district to include in its levy for the ensuing year, the amount apportioned and charged to it in the budget.

Adoption of budget.

Levy based on budget.

SEC. 16. The Board of Joint Control shall have authority to make and equalize a levy of such charge and apportionment in the same manner and with the same legal effect as the Board of Directors might do, for any irrigation district failing to include the amount of such charge in its levy on or before January first following the adoption of the budget of the Board of Joint Control.

Failure to include charge in levy.

SEC. 17. When said budget has been finally adopted, the secretary of the Board shall forthwith mail or deliver a copy of the budget showing the apportionment and charge to the representative on the Board of Joint Control of each tract of land under the jurisdiction of the Board, but not in an irrigation district, and such charge shall be in the nature of a special assessment against said land and a lien against the same, from and after January first following, superior to any other lien except that for general taxes, and said special assessment shall be payable to the County Treasurer at the same time and shall be collected and enforced by the County Treasurer in the same manner as general taxes. Collections of said special assessments shall be placed by the County Treasurer in the control fund of the Board of Joint Control hereinafter provided for.

Levy on land not in an irrigation district.

Special assessment.

Control Fund.

SEC. 18. There is hereby created in the County Treasurer's office of the county in which the Board of Joint Control was created, a special fund to be designated Control Fund of the (naming the county) County Joint Control Board No. (specifying the number). The County Treasurer shall distribute all collections for this fund to said Control Fund. The Treasurer of any other county collecting assessments for this fund shall remit the same monthly to the County Treasurer of the county in which the Board of Joint Control was created.

Vouchers against Control Fund.

SEC. 19. The Board of Joint Control shall issue vouchers for its operations against said Control Fund and the County Treasurer shall pay out monies from said fund upon warrants drawn by the County Auditor of said county.

Excluded from act.

SEC. 20. This act shall not apply to any irrigation district under contract with any agency of the Federal government for the construction or operation of its irrigation system without the express approval of the executive Federal officer in control of said project.

Emergency.

SEC. 21. This act is necessary for the preservation of the public peace, health, safety and welfare, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 57.

[S. B. 85.]

IRRIGATION DISTRICTS—ISSUE AND SALE OF BONDS.

AN ACT relating to irrigation districts; providing for the issuance and disposal of bonds payable only from revenues derived from district charges for domestic water service or electric power service or both such services and authorizing the creation of a special fund to which a fixed proportion of such revenues shall be pledged and paid; and directing the County Treasurer of the county in which the principal office of the district is located to pay said bonds from any monies in said special fund.

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

SECTION 1. The Board of Directors of any irrigation district in this state which is furnishing either domestic water service or electric power service, or both such services, shall have authority to issue and sell bonds of the district payable from revenues derived from district charges for such service for the benefit of such service and the facilities therefor in the manner hereinafter provided.

Issuance and selling of bonds authorized.

SEC. 2. Said bonds shall be in such form as the Board of Directors shall determine and shall be payable to bearer, shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable serially up to a maximum period of not to exceed twenty years; shall bear interest at a rate not to exceed six per centum per annum payable semi-annually on January 1 and July 1 of each year, evidenced by coupons attached to said bonds; shall be payable at the office of the County Treasurer of the county in which the principal office of the district is located or at such other place as the Board of Directors shall provide and specify in the bonds; shall be executed by the president of the Board of Directors and attested and sealed by the secretary thereof and

Form of bonds.

Interest.

may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures. Said bonds may provide that the same or any part thereof at the option of the Board of Directors may be redeemed in advance of maturity on any interest payment date.

Revenue
Bond Fund.

SEC. 3. The Board of Directors of the issuing district shall have authority and is required to create a special fund to be designated Revenue Bond Fund to be carried in said County Treasurer's office for the account of the district for the sole purpose of paying the interest and principal of such bonds, into which special fund said Board of Directors shall obligate and bind the district to set aside and pay a fixed proportion of the gross revenues from the charges made by the district for the domestic water service or the electric power service, as the case may be, for which the bonds are issued and such bonds and the interest thereon shall be payable only out of such special fund but shall be a lien and charge against all revenues received for such service superior to operating and maintenance expenses of such service.

Amount
to be placed
in fund.

SEC. 4. In creating such special fund the Board of Directors of the district shall have due regard for the cost of the operation and maintenance of the district system required by the district to furnish said domestic water service or electric power service as the case may be, and shall not set aside into such special fund a greater proportion of the revenue, than, in its judgment, will be available over and above such cost of maintenance and operation and the proportion, if any, of the revenue so previously pledged.

Bonds only
payable
from fund.

SEC. 5. Any such bonds, and interest thereon, issued against such special fund as herein provided shall be a valid claim of the holder thereof only as against said special fund and its fixed proportion of

the annual revenue pledged to such fund and shall not constitute a general indebtedness against the issuing irrigation district. Each such bond shall state upon its face that it is payable from such special fund only, naming it and the resolution creating it.

SEC. 6. Such revenue bonds shall be sold in such manner as the Board of Directors shall deem for the best interests of the irrigation district, either at public or at private sale and at any price but not at a price where the cost of the money to the district shall exceed seven per centum per annum, but if the Board of Directors shall dispose of said bonds in exchange for construction of improvements or for materials, such bonds shall not be disposed of for less than par for value received by the district.

Sale of
bonds.

SEC. 7. The Board of Directors of any irrigation district issuing such revenue bonds shall provide for revenues by fixing rates and charges for furnishing the service involved as the Board shall deem necessary, in the manner provided by law and as fixed by resolution, the total revenues to be so estimated and determined as to be sufficient to take care of costs of maintenance, operation interest and principal amortization requirements and other charges involved.

Fixing of
rates and
charges.

SEC. 8. When such special fund has been created and such bonds have been issued as herein provided, the fixed proportion of said revenues, pledged to the payment of the bonds and interest, shall be set aside and paid into the special fund, monthly as collected, as provided in the resolution creating the fund and in case any irrigation district shall fail thus to set aside and pay said fixed proportion as aforesaid, the holder of any bond against said special fund may bring appropriate court action against the district and compel such setting aside and payment.

Revenues
placed in
fund.

SEC. 9. When the Board of Directors of the district have decided to issue revenue bonds as herein

Special
election on
bond issue.

provided, they shall call a special election in the irrigation district at which election shall be submitted to the electors thereof possessing the qualifications prescribed by law the question whether revenue bonds of the district in the amount and payable according to the plan of payment adopted by the Board and for the purposes therein stated shall be issued. Said election shall be called, noticed, conducted and canvassed in the same manner as provided by law for irrigation district elections to authorize an original issue of bonds payable from revenues derived from annual assessments upon the real property in the district: *Provided*, That the Board of Directors shall have full authority to issue revenue bonds as herein provided payable within a maximum period of ten years without a special election: *And provided, further*, That any irrigation district indebted to the State of Washington shall get the written consent of the Director of the Department of Conservation and Development prior to the issuance of said revenue bonds.

Exception.

Consent of
State.

Registration
of bonds.

SEC. 10. The County Treasurer of the county in which said special fund is carried shall register said bonds before the issuance thereof in a book kept for that purpose and shall certify on each thereof under his seal that it has been so registered and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal impressed thereon is the seal of the district.

Payment
of bonds.

SEC. 11. Said County Treasurer shall have authority to pay said bonds and appurtenant coupons in accordance with their terms from any monies on hand in said special fund and when said bonds with interest have been fully paid, any monies remaining in the fund shall be transferred to the expense fund of the district and the special fund closed.

SEC. 12. The Board of Directors of the issuing district shall have full authority by resolution to carry

out the objects of this act in accordance with the provisions hereof and the same shall be liberally construed. The court shall have full jurisdiction under the irrigation district law to examine and determine the legality of the proceedings held to authorize and dispose of such revenue bonds, in the same manner and with the same legal effect as that provided in the case of other bonds of the district.

Act liberally construed.

Court has jurisdiction to examine.

Passed the Senate February 9, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 58.

[S. B. 121.]

POLLUTION CONTROL COMMISSION— INTERSTATE COOPERATION.

AN ACT relating to the Pollution Control Commission; authorizing interstate cooperation and acceptance of Federal grants, and amending chapter 216, Laws of 1945, by adding two sections thereto.

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

SECTION 1. Chapter 216, Laws of 1945 (sec. 10964a, et seq. Rem. Supp. 1945), is amended by adding thereto a new section to read as follows:

Amendment.

Section 24. The Commission is authorized to cooperate with the Federal government and to accept grants of Federal funds for carrying out the purposes of this act. The Commission is empowered to make any application or report required by an agency of the Federal government as an incident to receiving such grants.

Cooperation with Federal government.

SEC. 2. Chapter 216, Laws of 1945 (sec. 10964a, et seq. Rem. Supp. 1945), is amended by adding a new section to read as follows:

Amendment.

Cooperation with neighboring states.

Section 25. The Commission is authorized to cooperate with appropriate agencies of neighboring states, to enter into contracts, and make contributions toward interstate projects to carry out the purposes of this act.

Passed the Senate February 21, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 59.

[S. B. 122.]

PROBATION.

AN ACT relating to crimes; the granting and regulating of probation; amending chapter 114, Laws of 1935, as amended by chapter 125, Laws of 1939 (sec. 10249-5a, Rem. Rev. Stat., Supp. 1939).

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

Amendment.

SECTION 1. Section 5, chapter 114, Laws of 1935, as amended by chapter 125, Laws of 1939 (sec. 10249-5a, Rem. Rev. Stat., Supp. 1939), is amended to read as follows:

Court may grant or deny probation.

Section 5-a. After conviction by plea or verdict of guilty of any crime, 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 speci-

Investigation.

fied 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 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.

Passed the Senate February 15, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 60.

[S. B. 123.]

DISBURSEMENTS OF STATE FUNDS TO CITIES AND TOWNS.

AN ACT relating to cities and towns, and to state funds and monies payable and allocated thereto; and prescribing the basis for such payment and allocation; and declaring an emergency.

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

SECTION 1. Whenever cities and towns of the state are, under law, allocated and entitled to be paid any state funds or state monies from any source, and the allocation and payment is required to be made on a population basis, the allocation shall be made on the basis of the population of the respective cities and towns as fixed and determined by the State Census Board pursuant to chapter 51, Laws of 1947, for April 1, 1948, and such allocation shall continue to be made on such basis until the figures of the 1950 Federal census for cities and towns are published. Thereafter all such alloca-

State funds allotted to cities and towns on population basis.

Method of determining population.

tions and payments shall be based on population figures of such Federal census: *Provided*, That whenever any city or town becomes incorporated after the effective date of this act such cities or towns shall be entitled to participate in such allocations thereafter made, and the population of such city or town shown in the records of incorporation filed with the Secretary of State shall be used in determining the amount of such allocations and payments.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 16, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 61.

[S. B. 133.]

REAPPROPRIATION—MINE TO MARKET
ROAD COMMISSION.

AN ACT reappropriating monies from the Mine to Market Road Fund for location, establishment and construction of mine to market roads and trails and declaring an emergency.

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

Reappropriation to Mine to Market Commission.

SECTION 1. There is hereby reappropriated to the Mine to Market Road Commission from the Mine to Market Road Fund for the biennium beginning April 1, 1949 and ending March 31, 1951, the sum of two hundred forty-four thousand two hundred seventy-four dollars and seventy-one cents (\$244,274.71), or so much thereof as may be necessary, the same to be used by the Mine to Market Road Commission to carry out the provisions and purposes of chapter 198, Laws of 1947.

SEC. 2. This act is necessary for the immediate Emergency.
 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 16, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 62.

[S. B. 135.]

STATE AUDITOR—APPOINTMENT OF DEPUTIES.

AN ACT relating to the State Auditor; and amending the
 the Laws of 1889-90.

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

SECTION 1. Section 3 of an act entitled, "An Act Amendment.
 relating to the duties of the duties of the State
 Auditor, and providing for his salary and assistants,
 and declaring an emergency," approved March 27,
 1890 (sec. 10999, Rem. Rev. Stat.), is amended to
 read as follows:

Section 3. The State Auditor may appoint such Appointment
of deputy
state
auditors.
 deputies as he shall deem necessary, who, before
 entering upon their duties, shall take and subscribe
 an oath faithfully to perform the duties of said of- Oath of
office.
 fice, which oath shall be endorsed on the appoint-
 ment and filed in the office of the Secretary of State.
 Said appointment may be revoked at the pleasure
 of the State Auditor. The State Auditor shall be
 held responsible on his official bond for all official
 acts of his said deputies. The said deputies shall be Salaries.
 paid such salaries as the State Auditor may deter-
 mine.

Passed the Senate February 8, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 63.

[S. B. 160.]

REGULATION AND CONTROL OF GROUND WATERS.

AN ACT relating to the regulation and control of ground waters within the State of Washington; amending section 11, chapter 263, Laws of 1945 and section 3, chapter 122, Laws of 1947.

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

Amendment.

SECTION 1. Section 11, chapter 263, Laws of 1945 (sec. 7400-11, Rem. Supp. 1945), is amended to read as follows:

Waste of ground waters prohibited.

Wells producing contaminated water to be capped.

Section 11. No public ground waters that have been withdrawn shall be wasted without economical beneficial use. The Supervisor of Hydraulics shall require all wells producing waters which contaminate other waters to be plugged or capped. He shall also require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use under the terms of their respective permits or approved declarations of vested rights. Likewise, he shall also require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of public ground waters through leaky casings, pipes, fittings, valves, or pumps—either above or below the land surface: *Provided, however,* That the withdrawal of reasonable quantities of public ground water in connection with the construction, development, testing, or repair of a well shall not be construed as waste; also, that the inadvertent loss of such water owing to breakage of a pump, valve, pipe, or fitting shall not be construed as waste if reasonable diligence is shown by the permittee in effecting the necessary repair.

In the issuance of an original permit, or of an amendment to an original permit or certificate of

vested right to withdraw and appropriate public ground waters under the provisions of this act, the Supervisor of Hydraulics may, as in his judgment is necessary, specify for the proposed well or wells or other works a manner of construction adequate to accomplish the provisions of this section.

Supervisor may specify construction plans.

SEC. 2. Section 3, chapter 122, Laws of 1947 (sec. 7400-11A, Rem. Supp. 1947), is amended to read as follows:

Section 3. The unauthorized use of ground water to which another person is entitled, or the wilful or negligent waste of ground water, or the failure, when required by the Supervisor of Hydraulics, to cap flowing wells or equip the same with valves, fittings, or castings to prevent waste of ground waters, or to cap or plug wells producing waters which contaminate other waters, shall be a misdemeanor.

Penalties for violations.

Passed the Senate February 11, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 64.

[S. B. 178.]

HIGHWAYS—BIDS FOR CONSTRUCTION.

AN ACT relating to public highways; prescribing procedure for the contracting of highway construction; and amending section 37, chapter 53, Laws of 1937.

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

SECTION 1. Section 37, chapter 53, Laws of 1937 (sec. 6400-37, Rem. Rev. Stat., Vol. 7A), is amended to read as follows:

Amendment.

Section 37. At the time and place named in the publication of the call for bid proposals the Director of Highways shall proceed to publicly open and read

Opening of bid proposals.

Bid proposal deposit.

according to bid items, all bid proposals properly filed and shall award such contract to the lowest responsible bidder unless the Director of Highways shall have, for good cause, continued the date of opening bid proposals to a day certain. All bid proposals shall have been presented under sealed cover and shall be accompanied by bid proposal deposit in cash, certified check, cashier's check or surety bond in an amount equal to five per cent (5%) of the amount of such bid proposal and no bid proposal shall be considered unless such bid proposal deposit is enclosed therewith.

Passed the Senate February 14, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 65.

[S. B. 205.]

BOUNDARIES OF TAXING DISTRICTS.

AN ACT relating to taxation; setting the date establishing county, city and other taxing district boundaries for purposes of property taxation; providing that no levy shall be made in certain cases; and amending section 1, chapter 136, Laws of 1939 as amended by section 1, chapter 182, Laws of 1943.

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

Amendment.

SECTION 1. Section 1, chapter 136, Laws of 1939, as amended by section 1, chapter 182, Laws of 1943 (sec. 11106-1, Rem. Supp. 1943), is amended to read as follows:

Boundaries fixed as of March first.

Section 1. For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for

any taxing district whose boundaries were not duly established on the first day of March of such year.

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

Passed the Senate February 19, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 66.

[S. B. 207.]

STATE BOARD OF EQUALIZATION.

AN ACT relating to taxation; and amending section 70, chapter 130, Laws of the Extraordinary Session of 1925, as amended by section 36, chapter 206, Laws of 1939.

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

SECTION 1. Section 70, chapter 130, Laws of the Extraordinary Session of 1925, as amended by section 36, chapter 206, Laws of 1939 (sec. 11222, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

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 thirty 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 first day of August, Saturdays, Sundays and holidays excepted, at the office of the Tax Commission, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and the as- State Board of Equalization.
Annual meeting.
Duties.

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.

Board shall classify all property.

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.

Record of proceedings.

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.

Rules and regulations.

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 sec-

retary 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.

Passed the Senate February 19, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 67.

[S. B. 265.]

LIQUOR PERMITS.

AN ACT relating to liquor permits; prohibiting transfers thereof and false statements; imposing penalties and saving from prosecution licensees serving permit holders.

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

SECTION 1. Words and phrases as used in this act shall have the following meaning:

Definitions.

“Board” means State Liquor Control Board.

“Board.”

“Individual permit” means a permit issued by the Board to purchase liquor from state liquor stores.

“Individual permit.”

“Licensee” means the holder of a retail liquor license issued by the Board, including any employee or agent of the licensee.

“Licensee.”

“Liquor” means “liquor” as defined in section 3, chapter 62, Laws of the Extraordinary Session of 1933, as amended by section 1, chapter 158, Laws of 1935 (sec. 7306-3, Rem. Rev. Stat. Supp.).

“Liquor.”

SEC. 2. The individual permit issued by the Board may for the purpose of this act and for the purpose of procuring liquor, be accepted as an identification card by any licensee and as evidence of legal age of the person to whom such permit was issued, provided the licensee complies with the conditions and procedures prescribed herein and such regulations as may be made by the Board.

Permit is identification and evidence of legal age.

Licensee
may request
permit to
ascertain
age.

SEC. 3. Said individual permit shall be presented by the holder thereof upon request of any licensee for the purpose of aiding the licensee to determine whether or not such person is at least twenty-one years of age when such person desires to procure liquor from a licensed establishment.

Cards for
identification.

SEC. 4. In addition to the presentation by the holder and verification by the licensee of such individual permit, the licensee shall require the person whose age may be in question to fill in and sign a card in such form as the Board may prescribe and require and to furnish such other information as the Board may require for the purpose of establishing the identity of the person signing such card. Such statement shall be printed upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee at or before the close of business on the day of which said statement is executed, in the file box containing a suitable alphabetical index and such card shall be subject to examination by any peace officer or agent or employee of the Board at any and all times.

Individual
permit not
transferable.

SEC. 5. It shall be unlawful for the owner of an individual permit as defined by this act to transfer said permit to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee. Any person who shall permit his individual permit to be used by another or to transfer such permit to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him an aforesaid individual liquor permit, and any per-

Penalties for
violations.

son who shall make any false statement on any card required by section 4 hereof to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both.

False statement on card a misdemeanor.

SEC. 6. No licensee of the Board or the agent or employee of the licensee shall be prosecuted criminally or sued in any civil action for serving liquor to a person under twenty-one years of age if such person has presented an individual liquor permit issued to him or her by the Board as defined by this act in accordance with section 3 hereof, and signed a card as provided in section 4 hereof, and said card in the possession of a licensee may be offered as a defense in any hearing held by the Board for serving liquor to the person who signed said card and may be considered by said Board as evidence that the licensee acted in good faith.

Licensee complying with act not liable.

Passed the Senate February 24, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 68.

[S. B. 350.]

COLUMBIA BASIN IRRIGATION PROJECT— HIGHWAY SURVEY.

AN ACT relating to public highways; providing for the survey and location of a proposed state highway system to serve the Columbia Basin Irrigation Project; and making an appropriation therefor.

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

SECTION 1. The Director of Highways is authorized to cooperate with the United States, or any agency and instrumentality thereof, by making sur-

Cooperation with United States in surveys.

veys and locations on such parts of the proposed state highway system to serve the Columbia Basin Irrigation Project as may be necessary to further the development of the Columbia Basin area.

Source of funds for survey.

SEC. 2. Any funds appropriated from the Motor Vehicle Fund to the Highway Department for the location, right of way, engineering, improvement, construction and reconstruction of primary and secondary state highways may be used by the Director of Highways to defray the engineering expenses incurred herein: *Provided*, That irrespective of the amount of any sums appropriated to the Department of Highways for survey purposes for the ensuing biennium, no more than seventy-five thousand dollars (\$75,000) shall be used to carry out the purposes of this act.

Maximum amount.

Passed the Senate March 2, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 69.

[S. B. 351.]

TAXATION—DUTIES OF COUNTY OFFICERS.

AN ACT relating to taxation; providing for settlement between counties and the state of state taxes; amending section 97, chapter 130, Laws of 1925 as amended by section 1, chapter 35, Laws of 1933.

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

Amendments.

SECTION 1. Section 97, chapter 130, Laws of 1925 as amended by section 1, chapter 35, Laws of 1933 (sec. 11258, Rem. Rev. Stat. Supp.), is amended to read as follows:

Section 97. Immediately after the last day of each month, the County Treasurer shall pay over to the State Treasurer the amount collected by him

and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The County Auditor shall at the same time ascertain and report to the State Auditor by ordinary letter or other written memorandum, the amounts due to the various state funds. If the same be not paid to the State Treasurer before the tenth day of the month he shall then make a sight draft on the County Treasurer for such amount. On the first Mondays of January, April, July and October, respectively, of each year, the County Treasurer shall make full settlement with the County Auditor of his receipts and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The County Auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the State Auditor of the result of the quarterly settlement with the County Treasurer, as above specified. Should any County Treasurer fail or refuse to honor such draft or make payment of the amount thereon (except in case of manifest error or other good and sufficient cause) he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law. Whenever any tax shall have been heretofore, or shall be hereafter, cancelled, reduced or modified in any final judicial proceeding; or whenever any tax shall have been heretofore, or shall be hereafter cancelled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, cancelled and the tax thereon remains unpaid for a period of two years, the State Auditor shall, upon receipt from the County Auditor of a certified copy of such final judgment or decree cancelling,

Taxes collected paid to State Treasurer monthly.

County Auditor's report to State Auditor.

Sight draft on County Treasurer.

Refusal to honor sight draft is nonfeasance.

Modification of tax by judicial proceeding.

reducing or modifying taxes, or of a certificate from the County Treasurer of such cancellation by sale to an irrigation district, or of a certificate from the Commissioner of Public Lands and the County Treasurer, of such cancellation of public land contracts or leases and non-payment of taxes thereon, as the case may be, make corresponding entries and corrections on his records of the state's portion of such tax and shall notify the County Auditor thereof who shall make like entries and corrections on his tax roll records: *And provided further*, That upon cancelling taxes deemed uncollectible, the County Commissioners shall notify the County Auditor of such action, whereupon the County Auditor shall deduct on his records the amount of such uncollectible tax due the various state funds and shall immediately notify the State Auditor of his action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the County Treasurer upon the quarterly settlement next following: *And provided further*, When any assessment of property is made which does not appear on the assessment list certified by the County Board of Equalization to the State Board of Equalization the County Assessor shall indicate to the County Auditor said assessments and the taxes due therefrom when the list is delivered to the County Auditor on December 15. The County Auditor shall then notify the State Auditor of the taxes due the state from the assessments which did not appear on the assessment list certified by the County Board of Equalization to the State Board of Equalization. The County Treasurer shall make proper accounting to the County Auditor of all sums collected as either advance tax or supplemental or omitted tax, whereupon the County Auditor shall notify the State Auditor of the amounts due the various state funds ac-

Cancellation
of taxes
deemed
uncollectible.

Assessments
not
appearing on
assessment
list.

ording to the levy used in extending such tax and those amounts shall immediately become due and owing to the various state funds, to be paid to the State Treasurer in the same manner as taxes extended on the regular tax roll.

Passed the Senate February 26, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 70.

[S. B. 353.]

PRIMARY STATE HIGHWAYS.

AN ACT relating to public highways; authorizing in certain cases the improvement of state highways by day labor and amending section 1, chapter 132, Laws of 1943; and declaring an emergency.

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

SECTION 1. Section 1, chapter 132, Laws of 1943 (6400-41, Rem. Supp. 1943), is amended to read as follows: Amendment.

Section 1. That section 41, chapter 53, Laws of 1937 (sec. 6400-41, Rem. Rev. Stat.), be amended to read as follows:

Section 41. The Director of Highways may, in his discretion, cause any primary state highway to be constructed, altered, repaired or improved by contract in the manner provided by law or by day labor. Improvement of primary state highways by day labor.

Any construction may be done by day labor in all cases where the estimated cost of such work is in a sum less than fifteen thousand dollars (\$15,000). The Director of Highways shall by resolution entered upon his records determine when construction in any case shall be done by day labor, which resolution shall state the reason for such determination. Resolution.
In all other cases construction shall be let by con-

Construction
by contract.

tract and awarded to the lowest responsible bidder in the manner provided by law. In the event that the Director of Highways considers bid proposals when received as too high, or for other reasons deems it inadvisable that said contract be awarded to any bidders, he may readvertise a new call for bids, or do the work by day labor, which decision shall be ordered by resolution to that effect entered upon the records of said Director of Highways, which resolution shall set out the amount of the bid proposals submitted with the names of the bidders and the fact that the Director of Highways has found that in his judgment the said work may be more satisfactorily done by day labor. In any such case where work is performed by day labor, the Director of Highways shall, upon the completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of such work and the actual cost of the completion thereof by day labor: *Provided*, No publication shall be required for any work, the cost of which is less than twenty-five hundred dollars (\$2,500).

New call for
bids or use
day labor.

Resolution
and contents.

Publication
of estimate
and actual
cost.

Emergency.

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

Passed the Senate March 2, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 71.

[S. B. 355.]

DEFICIENCY APPROPRIATION—DEPARTMENT
OF HIGHWAYS.

AN ACT relating to public highways; making a deficiency appropriation therefor; and declaring an emergency.

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

SECTION 1. By reason of a deficiency in the appropriation made by the 30th Regular Session of the Legislature and caused by unusual weather, snow, ice and frost conditions, there is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the maintenance, extraordinary maintenance and emergencies occurring on the state primary and secondary highway systems, the sum of four hundred seventy-two thousand, four hundred dollars (\$472,400) or so much thereof as may be necessary.

Deficiency
appropriation to
Department
of Highways.

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

Emergency.

Passed the Senate February 21, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 72.

[S. B. 78.]

FIRE PROTECTION DISTRICTS—CIVIL SERVICE.

AN ACT relating to civil service in fire protection districts having a fully paid fire department; providing a civil service system in said department and regulating the transfer, reinstatement, suspension and discharge of said officers and firemen in the same manner, with the same powers and with the same force and effect as to such districts as that provided by chapter 31, Laws of 1935 for cities, towns, and municipalities.

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

Civil service for fire protection districts.

SECTION 1. Any fire protection district organized and existing under chapter 34, Laws of 1939, and subsequent amendments thereof, having a full paid fire department, shall have authority by resolution of its Board of Fire Commissioners to provide for civil service in its fire department in the same manner with the same powers and with the same force and effect as to such district as that provided by chapter 31, Laws of 1935 (sec. 9558-1, *et seq.*, Rem. Rev. Stat. Supp.), for cities, towns and municipalities.

Passed the Senate February 3, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 73.

[S. B. 97.]

STATE COLLEGE TUITION.

AN ACT relating to education; providing for tuition fees for students at the State College of Washington; and amending section 1, chapter 49, Laws of 1931 (sec. 4569, Rem. Rev. Stat.).

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

SECTION 1. Section 1, chapter 49, Laws of 1931 (sec. 4569, Rem. Rev. Stat.), is amended to read as follows: Amendment

Section 1. The Board of Regents of the State College of Washington shall charge to and collect from each of the students registering at said institution, who have not resided in this state or territory of Alaska, one year prior to date of registration, a tuition fee to be determined by said Board, but not less than seventy-five (\$75.00) dollars per term: Tuition for out of state students.
Provided, That the children of persons engaged in the military, naval, lighthouse or national park service of the United States within the State of Washington, shall be considered as domiciled within the state within the meaning of this section, and not subject to the time limit of such domicile. Exception. All other students except those in summer schools, short courses, correspondence or extension courses, shall be charged a tuition fee to be determined by said Board but not less than ten (\$10) dollars per term.

Passed the Senate February 23, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 74.

[S. B. 159.]

LIMITATION OF ACTIONS TO SET ASIDE OR CANCEL TAX DEEDS.

AN ACT providing a limitation for the bringing of actions to set aside or cancel tax deeds or County Treasurers' resale deeds or for the recovery of lands sold for delinquent taxes or sold by County Treasurers; and amending section 1, chapter 173, Laws of 1907.

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

Amendment.

SECTION 1. Section 1, chapter 173, Laws of 1907 (sec. 162, Rem. Rev. Stat.), is amended to read as follows:

Cancellation of Treasurer's deed.

Section 1. Actions to set aside or cancel any deed heretofore or hereafter issued by any County Treasurer after and upon the sale of lands for general, state, county or municipal taxes, or upon the sale of lands acquired by any county on foreclosure of general, state, county or municipal taxes, or for the recovery of any lands so sold, must be brought within three years from and after the date of the issuance 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.

Must be brought within three years.

Passed the Senate February 15, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 75.

[S. B. 176.]

FINES AND FORFEITURES FOR VIOLATIONS OF HIGHWAY CODES.

AN ACT relating to the disposition of fines and forfeitures for certain violations of the highway codes; and amending certain chapters of the Laws of 1937.

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

SECTION 1. Section 96, chapter 53, Laws of 1937 (sec. 6400-96, Rem. Rev. Stat., Vol. 7A), is hereby amended to read as follows:

Amendment.

Section 96. All fines and forfeitures collected for violation of any of the provisions of this act when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Disposition of fines and forfeitures.

Violations outside city limits.

All fines and forfeitures collected for the violation of any of the provisions of this act when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Violations within city limits.

SEC. 2. Section 67, chapter 187, Laws of 1937 (sec. 6450-67, Rem. Rev. Stat., Vol. 7A), is hereby amended to read as follows:

Amendment.

Section 67. All fines and forfeitures collected for violation of any of the provisions of this act when

Disposition of fines and forfeitures.

Violations
outside
city limits.

the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Violations
within
city limits.

All fines and forfeitures collected for the violation of any of the provisions of this act when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Amendment.

SEC. 3. Section 83, chapter 188, Laws of 1937 (sec. 6312-83, Rem. Rev. Stat., Vol. 7A), is hereby amended to read as follows:

Disposition
of fines and
forfeitures.

Section 83. All fines and forfeitures collected for violation of any of the provisions of this act when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Violations
outside
city limits.

Violations
inside
city limits.

All fines and forfeitures collected for the violation of any of the provisions of this act when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; one-fourth into the

state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

SEC. 4. Section 151, chapter 189, Laws of 1937 (sec. 6360-151, Rem. Rev. Stat., Vol. 7A), is hereby amended to read as follows: Amendment.

Section 151. All fines and forfeitures collected for violation of any of the provisions of this act when the violation thereof occurred outside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund. Disposition of fines and forfeitures.

All fines and forfeitures collected for the violation of any of the provisions of this act when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund. Violations outside city limits.

Passed the Senate March 2, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 76.

[S. B. 253.]

SUSPENSION OF SENTENCE UPON CONVICTION
OF CRIMES.

AN ACT relating to the suspension of sentence in certain criminal cases; authorizing the imposition of conditions to such suspension; and amending section 28, chapter 249, Laws of 1909, as amended by chapter 69, Laws of 1921.

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

Amendment.

SECTION 1. Section 28, chapter 249, Laws of 1909, as amended by chapter 69, Laws of 1921 (sec. 2280, Rem. Rev. Stat.), is amended to read as follows:

When suspended sentence authorized.

Section 28. Whenever any person never before convicted of a felony or gross misdemeanor shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the Court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such Court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the Court may determine: *Provided*, That as a condition to suspension of sentence, the Court may require the convicted person to make such monetary payments, on such terms as the Court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the Court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay any fine imposed and not suspended and the Court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state

Monetary payments.

by extradition was required. In no case shall a sentence be suspended under the provisions of this section unless the prisoner if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced.

Passed by the Senate February 24, 1949.

Passed by the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 77.

[S. B. 255.]

PROBATION IN FELONY CASES.

AN ACT relating to the granting of probation in certain felony cases; authorizing the imposition of conditions; and amending section 5b, chapter 125, Laws of 1939.

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

SECTION 1. Section 5b, chapter 125, Laws of 1939 (sec. 10249-5b, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

Section 5b. 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. Court may suspend imposing of sentence.

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 Imprisonment and fines.

Monetary
payments.

the county jail and fine and court costs. The Court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the Court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, 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.

Passed the Senate February 24, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 78.

[S. B. 93.]

ACTUARIAL VALUATIONS OF RETIREMENT SYSTEMS.

AN ACT relating to retirement systems; providing for periodical actuarial valuations of such systems; and requiring the transmission of reports of valuations to certain officials.

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

Definitions.

SECTION 1. 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:

(a) "Retirement system" shall mean any pension fund or retirement system established under the statutes of this state and to which the state contributes any portion of the funds of such plan or system, except systems covering less than fifty employees each. "Retirement system."

(b) "Member" shall mean any employee of the State of Washington or of any department or agency thereof or of any municipal corporation or instrumentality thereof, who is included in the membership of any retirement system. "Member "

(c) "Beneficiary" shall mean any person who receives a retirement allowance, pension, or other benefit provided by any retirement system. "Beneficiary."

(d) "Retirement Board" shall mean the governing body of a retirement system, regardless of the name applied to such body in the statutes establishing the system. "Retirement Board."

(e) "Qualified actuary" shall mean a person who shall have passed the whole of the associateship examinations of the Actuarial Society of America or of the American Institute of Actuaries or of their successor body, the Society of Actuaries. "Qualified actuary."

SEC. 2. The Retirement Board of each retirement system shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period commencing after the effective date of this act, the Retirement Board shall cause an actuarial investigation to be made into the mortality, service, compensation and other experience of the members and beneficiaries of the retirement system, and into Actuarial valuations and investigations.

the financial condition of the retirement system. Such investigation shall be made by a qualified actuary appointed by the Retirement Board; shall be commenced within six months after the close of the period to be studied and shall be completed within an additional six months by the filing with the Retirement Board of an adequate report on the status of the retirement system. Upon the basis of such actuarial investigation the Retirement Board shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation of the retirement system, and for making effective the provisions of this act.

Report to Retirement Board.

Board shall make regulations.

Governor and Insurance Commissioner shall receive copies of reports.

SEC. 3. Copies of a report of the qualified actuary made to the Retirement Board after completion of the investigation, together with any recommendations to the Board which the actuary may deem appropriate, and a report of the action taken by the Board thereon, shall be furnished promptly by the Retirement Board of the system to the Governor and the Insurance Commissioner of the state. The Insurance Commissioner, upon receipt of such reports, shall review them and shall submit his comments thereon, together with any recommendations as to corrective legislation or change in administrative procedures which he may deem appropriate, to the Chairman of the Appropriations and Insurance committees of both houses of the Legislature within ten days after that body shall convene for its first session following the receipt of said reports.

Repealing clause.

SEC. 4. Any act or parts of this act in conflict herewith are hereby repealed.

Partial invalidity.

SEC. 5. 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 of any section, provision, or part

thereof not adjudged to be invalid or unconstitutional.

Passed the Senate February 3, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 79.

[S. B. 132.]

COUNTIES—RIGHT OF EMINENT DOMAIN.

AN ACT authorizing counties to exercise the right of eminent domain; and declaring an emergency.

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

SECTION 1. Every county is hereby authorized and empowered to condemn land and property within the county for public use; whenever the Board of County Commissioners deems it necessary for county purposes to acquire such land, real estate, premises or other property, and is unable to agree with the owner or owners thereof for its purchase, it shall be the duty of the Prosecuting Attorney to present to the Superior Court of the county in which said land, real estate, premises, or other property so sought to be acquired or appropriated shall be situated, a petition in which the land, real estate, premises, or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer, or other person or party interested in the same, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money to such owner or owners respectively, and to all tenants, encumbrancers, or others interested,

Eminent domain.

Condemnation proceedings.

Petition.

Contents of petition.

for taking such lands, real estate, premises, or other property, or in case a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, then that the compensation to be made as aforesaid be ascertained or determined by the Court or the Judge thereof.

County
purpose and
public use.

SEC. 2. Any condemnation, appropriation or disposition intended in this act shall be deemed and held to be for a county purpose and public use within the meaning of this act when it is directly or indirectly, approximately or remotely for the general benefit or welfare of the county or of the inhabitants thereof.

Notice of
presentation
of petition.

SEC. 3. A notice, stating the time and place when and where such petition shall be presented to the Court or the Judge thereof, together with a copy of such petition, shall be served on each and every person named therein as owner or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such notice shall be signed by the Prosecuting Attorney of the county wherein the real estate or property sought to be taken is situated, and may be served in the same manner as a summons in a civil action in such Superior Court is authorized by law to be served.

Hearing of
petition.

SEC. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the Court or Judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition have been duly served with said notice as prescribed herein, and shall be further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property sought to be appropriated is a public use of the county, the Court or Judge

thereof may make and enter an order adjudicating that the contemplated use is really a public use of the county, and which order shall be final unless review thereof to the Supreme Court be taken within five days after entry of such order, adjudicating that the contemplated use for which the lands, real estate, premises or other property sought to be appropriated is really a public use of the county, and directing that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises, or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking or appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated, after offsetting against any and all such compensation and damages, special benefits, if any, accruing to such remainder by reason of such appropriation and use by the county of such lands, real estate, premises, and other property described in the petition; such determination to be made by a jury, unless waived, in which event the compensation or damages shall be determined by the Court without a jury.

Order.

Review to
Supreme
Court.Determina-
tion of
compensation
and damages.

SEC. 5. The jury selected to hear the evidence and determine the compensation to be paid to the owner or owners of such real estate or property to be appropriated for public use, shall be selected, impaneled and sworn in the same manner that juries in other civil actions are selected, impaneled and sworn, and in case a jury is waived, such compensation or damages shall be ascertained and determined by the Court or Judge thereof and the proceedings shall be the same as in trial of an issue of fact by the Court. Upon the close of the evidence, the Court shall instruct the jury as to the matters submitted to them and the law pertaining thereto.

Jury to
determine
compensa-
tion.

Whereupon the jury shall retire and deliberate and determine upon the amount of the compensation of damages and money that shall be paid to the owner or owners of the real estate or property sought to be appropriated, which shall be the amount found by the jury to be the fair and full value of such premises, and when the jury shall have determined upon their verdict, they shall return the same to the Court as in other civil actions.

Payment
of compen-
sation.

SEC. 6. Upon the verdict of the jury or upon the determination of the Court of the compensation or damages to be paid for the real estate or property appropriated, judgment shall be entered against such county in favor of the owner or owners of the real estate or property so appropriated for the amount found as just compensation therefor, and upon the payment of such amount by such county to the Clerk of such Court for the use of the owner or owners of the persons interested in the premises sought to be taken, the Court shall enter a decree of appropriation of the real estate or property sought to be taken, thereby vesting the title to the same in such county; and a certified copy of such decree of appropriation may be filed in the office of the County Auditor of the county wherein the real estate taken is situated and shall be recorded by such Auditor like a deed of real estate and with like effect. The money so paid to the Clerk of the Court shall be by him paid to the person or persons entitled thereto upon the order of the Court.

Decree of
appropriation.

Copy of
decree to
County
Auditor.

Costs.

SEC. 7. All the costs of such proceedings in the Superior Court shall be paid by the county initiating such proceedings.

Appeal to
Supreme
Court.

SEC. 8. Either party may appeal from the judgment for compensation* of the damages awarded in the Superior Court to the Supreme Court within thirty days after the entry of judgment as aforesaid,

and such appeal shall bring before the Supreme Court the propriety and justice of the amount of damage in respect to the parties to the appeal: *Provided*, That upon such appeal no bonds shall be required: *And provided further*, That if the owner of land, real estate, or premises accepts the sum awarded by the jury or the Court, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court, and final judgment by default may be rendered in the Superior Court as in other cases.

No bond
required on
appeal.

Waiver of
appeal.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health, welfare and safety, and for the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 17, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 80.

[S. B. 229.]

STATE FOREST BOARD—BONDS AUTHORIZED.

AN ACT relating to the acquiring, seeding, reforestation and administration of lands for state forests; and amending section 1, chapter 117, Laws of 1933, as last amended by section 1, chapter 66, Laws of 1947.

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

SECTION 1. Section 1, chapter 117, Laws of 1933, as last amended by section 1, chapter 66, Laws of 1947 (sec. 5812-11, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section 1. For the purpose of acquiring, seeding reforestation and administering land for forests and of carrying out the provisions of chapter 154 of

Utility bonds
may be
issued.

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 one hundred thousand dollars (\$100,000) in principal during the biennium expiring March 31, 1951: *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 be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Retirement
of bonds.

Any utility bonds issued under the provisions of section 1 of this act may be retired from time to time, whenever there is sufficient money in the Forest Development Fund, said bonds to be retired at the discretion of the State Forest Board either in the order of issuance, or by first retiring bonds with the highest rate of interest.

Passed the Senate February 17, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 81.

[S. B. 328.]

TIDE LANDS GRANTED CITY OF SEATTLE.

AN ACT relating to tidelands in the City of Seattle; and amending section 3, chapter 177, Laws of 1929, as amended.

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

Amendment.

SECTION 1. Section 3, chapter 177, Laws of 1929, as amended by section 1, chapter 33, Laws of 1931, is amended to read as follows:

Grant of
tide lands
to Seattle.

Section 3. All of the tide lands described in section 1 of this act are hereby granted to said City of Seattle to be used for public park, boulevard, ferry

landings and temporary waiting basin for shipping entering the government canal, boat moorage and boat service, and for no other purposes; and in case the said City of Seattle shall attempt to use or permit the use of said tide lands or any portion thereof for any other purposes, the same shall forthwith revert to the State of Washington without suit, action or other proceeding whatsoever, or the judgment of any court forfeiting the same: *Provided*, That the City of Seattle shall be and is hereby authorized to convey any portion of the above described tide lands to the Port of Seattle, for port purposes.

Conveyance
to Port of
Seattle
authorized.

Passed the Senate March 2, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 82.

[S. B. 53.]

DIRECTORS OF FLOOD CONTROL DISTRICTS.

AN ACT relating to flood control districts; and amending section 53, chapter 160, Laws of 1935, as amended by section 1, chapter 119, Laws of 1939.

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

SECTION 1. Section 53, chapter 160, Laws of 1935, as amended by section 1, chapter 119, Laws of 1939 (sec. 9663B-53, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

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

Officers of
flood control
district.

district lies entirely within a city or town the governing body of the city or town shall be ex-officio the Directors of the district, and the City Clerk shall be ex-officio the District Clerk and Auditor, and the City Treasurer shall be ex-officio the District Treasurer. When a district lies entirely within a county and any portion thereof lies outside of a town or city, the County Commissioners shall be ex-officio the Directors of the district and the County Auditor shall be ex-officio the District Clerk.

Passed the Senate February 3, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 83.

[S. B. 60.]

OFFICERS OF CITIES OF THE SECOND CLASS.

AN ACT relating to elective and appointive officers of cities of the second class; and amending section 2, chapter 241, Laws of 1907, and adding thereto a new section known as section 2 A.

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

Amendment. SECTION 1. Section 2, chapter 241, Laws of 1907 (sec. 9007, Rem. Rev. Stat.), is amended to read as follows:

Elective officers of second class city. SECTION 2. The elective officers of a city of the second class shall consist of a Mayor, twelve Councilmen, a City Clerk, a City Treasurer, and a Police Judge: *Provided*, That in any such city operating under a commission form of government the Police Judge shall be appointed by the Mayor.

Amendment. SEC. 2. Section 2, chapter 241, Laws of 1907 (sec. 9007, Rem. Rev. Stat.), is amended by adding thereto a new section to be known as section 2 A, and reading as follows:

Section 2 A. The appointive officers of a city of the second class shall be a Chief of Police, City Attorney, Health Officer and Street Commissioner; the Council may also create by ordinance the offices of Superintendent of Irrigation, City Engineer, Harbor Master, Pound Keeper, City Jailer, Chief of the Fire Department, and any other offices necessary to discharge the functions of the city and for whose election or appointment no other provision is made. If a paid fire department is established therein a Chief Engineer and one or more assistant engineers may be appointed. If a free library and reading room is established therein five Library Trustees shall be appointed. The Council by ordinance shall prescribe the duties of the officers and fix their compensation subject to the provisions of any statutes pertaining thereto.

Appointive officers of second class city.

Duties of officers fixed by council.

Passed the Senate February 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 84.

[S. B. 106.]

MUNICIPAL CORPORATIONS UNDER COUNCIL-MANAGER PLAN.

AN ACT relating to municipal corporations under council-manager plan, and amending sections 15 and 17, chapter 271, Laws of 1943.

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

SECTION 1. Section 15, chapter 271, Laws of 1943 (sec. 9198-24, Rem. Supp. 1943), is amended to read as follows:

Amendment

Section 15. The duties of the City Manager shall be:

Duties of city manager.

1. To have general supervision over the administrative affairs of the municipality.

2. To see that the laws and ordinances are faithfully executed.

3. To attend all meetings of the Council at which his attendance may be required by that body.

4. To recommend for adoption to the Council such measures as he may deem necessary or expedient.

5. To appoint all officers and employees of the municipality except the members of the City Council and subject to the provisions of any applicable law, rule or regulation relating to civil service: *Provided*, That the Council may cause to have an audit made of any department or office of the city government and may select the persons to make such audit without the advice or consent of the City Manager.

6. To prepare and submit to the Council such reports as may be required by that body, or as he may deem it advisable to submit.

7. To keep the Council fully advised of the financial condition of the municipality and its future needs.

8. To prepare and submit to the Council a tentative budget for the next fiscal year.

9. To perform such other duties as the Council may determine by ordinance or resolution.

Amendment.

SEC. 2. Section 17, chapter 271, Laws of 1943, is amended to read as follows:

Manager responsible to council.

Section 17. The City Manager shall be responsible to the Council for the proper administration of all affairs of the city and to that end he shall have power to appoint and remove all department heads, officers and employees in the service of the city except members of the City Council and subject to the provisions of any applicable law, rule or regulation relating to civil service; but the Manager may authorize the head of a department or office respon-

Manager to appoint and remove employees.

sible to him to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term. Residence within the city shall not be required of any city official or employee, except the members of the City Council, [.]

Residence not required for officials or employees

SEC. 3. Section 18, chapter 271, Laws of 1943, is hereby amended to read as follows: Amendment.

Section 18. Any officer or employee who may be appointed by the City Manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the Manager or other such appointing officer at any time. Subject to the provisions of section 15, the decision of the Manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

Appointees removable at any time.

Decision of appointing officer final.

SEC. 4. Chapter 271, Laws of 1943, is hereby amended by adding a new section to be known as section 24, to read as follows: Amendment.

Section 24. Any city adopting a council-manager form of government may adopt any system of civil service which would be available to it under any other form of city government. Any state law relative to civil service in cities of the class of a city under the council-manager type of government shall be applicable thereto.

Civil service may be adopted.

Passed the Senate March 2, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 85.

[S. B. 143.]

LEASING OF COUNTY PROPERTY TO UNITED STATES.

AN ACT relating to counties; authorizing the leasing of county property to the United States of America or its agencies.

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

County may lease property to United States.

SECTION 1. Any county in the state may lease any property owned by it to the United States of America or to any agency thereof for a term not exceeding ninety-nine years upon such conditions as may be contained in a written agreement therefor executed on behalf of the county by its Board of County Commissioners, and by any person on behalf of the United States of America or any agency thereof who has been thereunto authorized: *Provided*, That any lease made for a longer period than ten (10) years hereunder shall contain provisions requiring the lessee to permit the rentals for every five-year period thereafter, or part thereof, at the commencement of such period, to be readjusted upward and fixed by the Board of County Commissioners. In the event that the lessee and said Board of County Commissioners cannot agree upon the rentals for said five-year period, the lessee shall submit to have said disputed rentals for said subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the Board of County Commissioners one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories or other improvements made upon property leased under this proviso shall belong to and become prop-

Readjustment of rentals upward.

Arbitration of rentals.

Improvements belong to county.

erty of such county, unless otherwise stipulated, at the expiration of the lease.

Passed the Senate February 24, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 86.

[S. B. 192.]

SEARCH WARRANTS.

AN ACT relating to the issuance of search warrants; and amending certain acts pertaining thereto.

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

SECTION 1. Section 2, of a territorial act entitled "An Act to regulate the practice and pleadings in prosecutions for crimes," passed April 28, 1854, the same being reenacted as section 154, chapter 12, Laws of 1873 (sec. 968, Code of 1881; sec. 2238, Rem. Rev. Stat.), is amended to read as follows: Amendment.

Section 2. Any such magistrate, when satisfied that there is reasonable cause, may also, upon like complaint made on oath, issue search warrant in the following cases, to wit: Issuance of search warrant.

1. To search for and seize any counterfeit or spurious coin, or forged instruments, or tools, machines or materials, prepared or provided for making either of them.

2. To search for and seize any gaming apparatus used or kept, and to be used in any unlawful gaming house, or in any building, apartment or place, resorted to for the purpose of unlawful gaming.

3. To search for and seize any evidence material to the investigation or prosecution of any homicide.

SEC. 2. Section 4, of a territorial act entitled "An Act to regulate the practice and pleadings in prosecutions for crimes," passed April 28, 1854, the same Amendment.

being reenacted as section 156, chapter 12, Laws of 1873 (sec. 970, Code of 1881; sec. 2240, Rem. Rev. Stat.), is amended to read as follows:

Disposition of property seized.

Section 4. When any officer in the execution of a search warrant shall find any stolen or embezzled property, or shall seize any other things for which a search is allowed by this chapter, all the property and things so seized, shall be safely kept by the direction of the Court or magistrate, so long as shall be necessary for the purpose of being produced in evidence on any trial, and as soon as may be afterwards, all such stolen and embezzled property shall be restored to the owner thereof, and all other things seized by virtue of such warrant shall be returned to the owner thereof if such may be legally done or shall be destroyed under direction of the Court or magistrate.

Passed the Senate February 23, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 87.

[S. B. 188.]

CITY OF OLYMPIA—RE-SURVEY AND RE-LOCATION OF HARBOR LINES.

AN ACT authorizing the Commissioner of Public Lands and the Board of State Land Commissioners to re-survey and re-locate the harbor lines in front of the City of Olympia.

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

Re-survey and re-location of harbor lines at Olympia.

SECTION 1. The Commissioner of Public Lands is hereby authorized and directed to make, and the Board of State Land Commissioners, acting as the state harbor line commission, is hereby authorized to approve a re-survey and re-location of the outer

harbor line in front of the City of Olympia, between the main channel and the east channel.

Passed the Senate March 1, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 88.

[S. B. 241.]

STATE CIVIL DEFENSE COMMITTEE.

AN. ACT relating to and providing for disaster relief, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the General Fund for the biennium ending March 31, 1951, for disaster relief purposes, the sum of two million five hundred thousand dollars (\$2,500,000) or so much thereof as shall be necessary.

Appropriation for disaster relief.

SEC. 2. "Disaster relief," for the purposes of this act, means any concerted effort to relieve suffering, minimize injury and repair damage resulting in this state from fire, flood, earthquake or other calamitous visitation.

"Disaster relief" defined.

SEC. 3. Moneys hereby appropriated shall be subject to allocation by the Governor from time to time to the State Civil Defense Committee as the necessity for disaster relief may arise: *Provided*, That the Committee shall expend any such moneys and administer all disaster relief efforts in coordination and conjunction with the Federal government, any other state or states, the several subdivisions of this and other states, the American Red Cross and any other agency engaging in such endeavor.

Duties of State Civil Defense Committee.

SEC. 4. There is hereby created a State Civil Defense Committee which shall consist ex-officio of

State
Civil Defense
Council
created.

the Adjutant General, the Chief of the Washington State Patrol and the Director of Transportation. The members shall serve without additional compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties as Committee members. The Adjutant General shall be chairman of the Committee. The Committee shall exercise general control and supervision of disaster relief, and shall appoint a Director of Civil Defense, who shall be its chief executive and administrative officer, and fix his compensation. All vouchers for disaster relief expenditures shall be signed by the Director of Civil Defense.

Director of
civil defense.

Emergency.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect April 1, 1949.

Passed the Senate February 21, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 89.

[S. B. 246.]

HORTICULTURE—INSPECTORS.

AN ACT relating to horticulture; amending section 3, chapter 166, Laws of 1915, as amended.

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

Amendment.

SECTION 1. Section 3, chapter 166, Laws of 1915, as last amended by section 3, chapter 150, Laws of 1943 (sec. 2841, Rem. Supp. 1945), is amended to read as follows:

Pay and
expenses of
inspectors-
at-large.

Section 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the Director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by war-

rants drawn upon the State Treasurer by the State Auditor, upon vouchers signed and verified under oath by such inspectors and counter-signed by the Director or the Assistant Director and/or upon warrants drawn upon a trust fund derived from the certification of fruits and vegetables in the district in which said certification is performed in an amount not to exceed seventy-five per cent (75%) of the salary as paid by warrants drawn upon the State Treasurer by the Auditor upon vouchers signed and verified under oath by such inspectors and counter-signed by the Director or Assistant Director: *Provided, however,* That such inspectors-at-large shall pass an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualify them to successfully carry on the work in the district to which they are assigned. In addition to inspectors-at-large whenever a petition is presented to the Board of County Commissioners of any county signed by twenty-five (25) or more persons, each of whom is a resident free-holder and owner of an orchard, berry farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes, or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said Board of County Commissioners shall by resolution request the appointment and assignment to duty in such county by the Director of Agriculture of such number of local inspectors and for such length of time as such petition shall specify: *Provided, however,* That such local inspectors shall pass such an examination by the Director of Agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The

Inspectors-at-large must pass examination.

County may request local inspectors.

Request by resolution.

Local inspectors must pass examination.

Counties to
pay local
inspectors.

County not
having
inspector.

Director of
Agriculture
to control
inspectors.

salaries as fixed by the County Commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the Director or the Assistant Director and ordered paid by the County Commissioners and the County Auditor shall issue warrants therefor upon the said county fund. If any county for any reason fails to appoint a county horticultural inspector as herein provided or if for any reason the county horticultural inspector is not available, then the nearest inspector available may perform such services, and his compensation and the necessary expenses incurred in the performance of his duty shall be charged against the county where the service is performed, as if he had been appointed by the County Commissioners of said county. All local inspectors shall be under the direction and control of the Director of Agriculture and the Assistant Director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Passed the Senate March 1, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 90.

[S. B. 258.]

MOTOR VEHICLE LICENSE NUMBER PLATES.

AN ACT relating to motor vehicles and licensing thereof; amending section 28, chapter 188, Laws of 1937, as amended by section 5, chapter 182, Laws of 1939.

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

SECTION 1. Section 28, chapter 188, Laws of 1937, as amended by section 5, chapter 182, Laws of 1939, is amended to read as follows: Amendment.

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. Director of Licenses to furnish number plates.

Notwithstanding the foregoing provisions of this section, the Director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle Tabs may be used to show renewals.

to signify annual renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying annual renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

Passed the Senate February 25, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 91.

[S. B. 262.]

APPROPRIATION—RELIEF OF HEIRS OF
JACOB F. LUND.

AN ACT relating to the relief of the heirs of Jacob F. Lund; authorizing transfer and conveyance of certain property; and making an appropriation.

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

Relief of heirs of Jacob F. Lund.

SECTION 1. To effectuate an order of the Superior Court of Pierce County, entered February 4, 1949, in probate cause No. 34692, this act is passed for the relief of the heirs of Jacob F. Lund, deceased, who by reason of residence in the Kingdom of Denmark during the recent world war were undiscoverable and as against whom the properties and moneys hereinafter mentioned were escheated by and to the State of Washington.

Conveyance of real property authorized.

SEC. 2. The Governor is authorized and directed, by quitclaim deed, attested by the Secretary of State, to convey to the administrator of the estate of Jacob F. Lund, deceased, all right, title and interest of the state in and to the following described real property, situate in Snohomish County, Washington, towit:

Beginning at the northwest corner of the southwest quarter of section thirteen, township thirty north, range five, east, W. M., thence south thirteen hundred feet to the true place of beginning, thence south two hundred eighty-nine feet, thence east fifteen hundred eighty feet to the Northern Pacific Railway Company right of way, thence northerly along said right of way three hundred twenty and sixty-nine one hundredths feet, thence west fourteen hundred forty-one feet to the true place of beginning, containing ten acres, more or less.

Description
of real
property.

SEC. 3. The Governor is authorized and directed to transfer and deliver to the administrator of the estate of Jacob F. Lund, deceased, the following described personal property, towit:

Transfer
of personal
property
authorized.

Corporate Trust Shares	No.	40526	10 shares
Corporate Trust Shares	No.	14930	25 shares
Aladdin Mines, Inc.	No.	128	1,000 shares
Jordan Valley Coal Company	No.	6	200 shares
Davis Car Company	No.	428	100 shares
Utilities Power & Light Corp.	No.	CO140169	1 share
Utilities Power & Light Corp.	No.	CO 78608	1 share
Utilities Power & Light Corp.	No.	CO100203	1 share
Utilities Power & Light Corp.	No.	NO 91601	20 shares
Utilities Power & Light Corp.	No.	CO112955	1 share
Utilities Power & Light Corp.	No.	NO119428	10 shares
Utilities Power & Light Corp.	No.	198599	26/40th share
Utilities Power & Light Corp.	No.	19343	3/400ths share
Continental Motors Corporation	No.	NYE82712	30 shares
Northwest Mining, Talc & Asbestos Company	No.	26	2,500 shares

SEC. 4. There is hereby appropriated from the General Fund to the Clerk of the Superior Court for Pierce County for the credit of and payment to the estate of Jacob F. Lund, deceased, the sum of four thousand four hundred fifty-eight and sixty-four one-hundredth dollars (\$4,458.64).

Appropriation from
General
Fund.

Passed the Senate February 19, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 92.

[S. B. 342.]

COUNTIES—DETERMINATION OF POPULATION
FOR ALLOCATION OF FUNDS.AN ACT providing for determination of population of
counties for allocation of funds.*Be it enacted by the Legislature of the State of
Washington:*Method of
determining
population.

SECTION 1. Whenever any funds are allocated to counties on the basis of population, the population of the respective counties shall be determined by the most recent census, estimate or survey by the Federal Bureau of Census or any State Board or Commission authorized to make such a census, estimate or survey. If a maximum per cent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty per cent of the maximum possible error.

Passed the Senate March 1, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 93.

[S. B. 335.]

INTOXICATING LIQUORS—ELECTIONS.

AN ACT relating to intoxicating liquors; providing for the control and regulation thereof and amending sections 82 to 88, inclusive, of chapter 62, Laws of Washington, Extraordinary Session, 1933 (Rem. Rev. Stat. Supp. 7306-1 to 7306-95, incl.), by adding thereto a new section to immediately precede section 89, to be known as section 88-A.

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

Amendment.

SECTION 1. That chapter 62, Laws of Washington, 1933, Extraordinary Session, the same being sections 7306-1 to 7306-95, inclusive, of Remington's Revised

Statutes, be amended by adding thereto a new section to immediately precede section 89, to be known as section 88-A.

Section 88-A. No election in any unit referred to in sections 82 to 88, inclusive, upon the question of whether the sale of liquor shall be permitted within the boundaries of such unit shall be held at the same time as an election is held in the same unit upon the question of whether the sale of liquor under the provisions of section 83-A shall be permitted. In the event valid and sufficient petitions are filed which would otherwise place both questions on the same ballot that question upon which the petition was filed with the County Auditor first shall be placed on the ballot to the exclusion of the other.

Restriction on number of questions on same ballot.

Passed the Senate February 26, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 94.

[S. B. 6.]

COUNTY PARKS AND RECREATIONAL FACILITIES.

AN ACT relating to county parks and recreation; providing for acquisition, improvement and maintenance by counties of parks, playgrounds and recreational facilities; authorizing county public recreation programs; authorizing the establishment of County Park and Recreation Boards; defining the duties and powers of such Boards; authorizing certain contracts between counties and other municipal corporations and governmental and private agencies; and repealing certain statutes.

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

SECTION 1. Counties may establish park and playground systems for public recreational purposes, and for such purposes shall have power to acquire lands, buildings and other facilities by gift, purchase, lease, devise and bequest.

Counties may establish parks and playgrounds.

Programs
of public
recreation.

SEC. 2. Counties may conduct programs of public recreation, and in any such program property or facilities owned by any individual, group or organization, whether public or private, may be utilized by consent of the owner.

County
Park and
Recreation
Board.

SEC. 3. Each county may form a County Park and Recreation Board composed of seven (7) members, of whom one shall be the County Superintendent of Schools and the remainder shall be appointed by the Board of County Commissioners to serve without compensation.

Terms of
office of
members.

SEC. 4. For the appointive positions on the County Park and Recreation Board the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining two positions plus the period in each instance to the next following June thirtieth; thereafter the term for each appointive position shall be six years and shall end on June thirtieth.

Removal of
members.

SEC. 5. Any appointed County Park and Recreation Board member may be removed by a majority vote of the Board of County Commissioners either for cause or upon the joint written recommendation of five members of the County Park and Recreation Board. Vacancies on the County Park and Recreation Board shall be filled by appointment, made by the Board of County Commissioners for the unexpired portions of the terms vacated.

Powers and
duties of
board.

SEC. 6. The County Park and Recreation Board:

(1) Shall elect its officers, including a chairman, vice-chairman and secretary, and such other officers as it may determine it requires.

(2) Shall hold regular public meetings at least monthly.

(3) Shall adopt rules for transaction of business and shall keep a written record of its meetings, reso-

lutions, transactions, findings and determinations, which record shall be a public record.

(4) Shall initiate, direct and administer county recreational activities, and shall select and employ a County Park and Recreation Superintendent and such other properly qualified employees as it may deem desirable.

(5) Shall improve, operate and maintain parks, playgrounds and other recreational facilities, together with all structures and equipment useful in connection therewith, and may recommend to the Board of County Commissioners acquisition of real property.

(6) Shall promulgate and enforce reasonable rules and regulations deemed necessary in the operation of parks, playgrounds and other recreational facilities, and may recommend to the Board of County Commissioners adoption of any rules or regulations requiring enforcement by legal process which relate to parks, playgrounds or other recreational facilities.

(7) Shall each year submit to the Board of County Commissioners for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by elective or appointive county officials.

(8) May, subject to the approval of the Board of County Commissioners, enter into contracts with any other municipal corporation, governmental or private agency for the conduct of park and recreational programs.

SEC. 7. In counties in which County Park and Recreation Boards are formed, a County Park and Recreation Fund shall be established. Into this Fund shall be placed the allocation as the Board of County Commissioners which it annually appropriates thereto, together with miscellaneous revenues derived from the operation of parks, playgrounds and other recreational facilities, as well as grants, gifts and be-

County
park and
recreation
fund.

quests for park or recreational purposes. All expenditures shall be disbursed from this Fund by the County Park and Recreation Board, and all balances remaining in this Fund at the end of any year shall be carried over in such Fund to the succeeding year.

Penalty for violations.

SEC. 8. Any person violating any rules or regulations adopted by the Board of County Commissioners relating to parks, playgrounds or other recreational facilities shall be guilty of a misdemeanor.

Partial invalidity.

SEC. 9. If any provision of this act, or the operation of such provision, should be held to be invalid, such invalidity shall not affect other provisions of this act or their operation, unless dependent for their effect or operation upon the provision held invalid, and then only to the extent of such dependency, and for such purpose the provisions of this act are declared to be severable.

Repealing clause.

SEC. 10. Chapter 34, Laws of 1937, is hereby repealed.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 95.

[S. B. 158.]

WASHINGTON HISTORIC SITES AND
MARKERS COMMISSION.

AN ACT relating to historic sites and markers; and creating a Washington State Historic Sites and Markers Commission.

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

Washington
Historic Sites
and Markers
Commission.

SECTION 1. A Washington Historic Sites and Markers Commission is created, to be composed of the Director of Highways, Director of the Eastern

Washington State Historical Society in Spokane, Director of the Washington State Historical Society, chairman of the State Progress Commission, state regent of the Washington Society Daughters of the Revolution, and state president of the State Association of the Daughters of the Pioneers of Washington: *Provided*, That each of said officials or officers may designate a person in his organization as his representative to be a member of the Commission.

Members of
Commission.

The members of the Commission shall serve without salary.

SEC. 2. The duties of the Commission are to designate sites of archeological or historical significance along the highways of the state and erect thereon suitable markers describing the sites and their significance.

Duties of
Commission.

No person shall erect such a marker along the highways without the approval of the Commission.

Passed the Senate March 8, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 96.

[S. B. 14.]

CONVEYANCE OF STATE TIDE LANDS TO PORT OF OLYMPIA.

AN ACT authorizing conveyance of certain tide lands in Thurston County from the State of Washington to the Port of Olympia and authorizing the Commissioner of Public Lands to convey the same by appropriate deed.

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 the

Conveyance
of tide lands
to Port of
Olympia.

Description
of tide lands.

Port of Olympia, the following described tide lands,
to wit:

Lots 1 to 10 inclusive, Block 58; Lots 1 to 10 inclusive, Block 59; the south half of Lot 3 and Lots 4 and 5, Block 60; Blocks 167 and 168; the north 50 feet of Block 169; Blocks 170, 171, 172, 173, 174, 174½ and 175; all except the south 100 feet of Blocks 176, 177, 178 and 179; Blocks 180, 181, 182 and 183; all except the north 125 feet of Blocks 184, 185, 186 and 187; Blocks 189, 190, 192, 193, 194, 195 and 196; Lots 1 to 5 inclusive, Block 197; Blocks 198 and 199; Lots 1 to 10 inclusive, Block 200; Blocks 201, 202 and 203; Lots 5, 6, 8 and the east 113 feet of Lots 9 to 12 inclusive, Block 204; Block 205; Lots 1, 2 and 3, Block 206; that portion lying north of a line 65 feet south of the south line of Upland Glass Avenue, extended westerly, Block 208; a 10-foot strip in front of the alley between D. R. Bigelow's Addition and D. R. Bigelow's 2nd Addition, extended westerly, Block 208; Lots 1, 2 and 3, Block 209; Lots 1 to 10 inclusive, Block 343; that portion lying north of a line parallel to and 107.25 feet north of the south line, Block 355; Block 358; Lots 1 to 5 inclusive, Block 359; Blocks 360 and 361; together with all adjacent vacated streets, Olympia Tide Lands; except those portions of Blocks 355, 359 and 360 heretofore conveyed by the State of Washington to the Port Townsend and Southern Railroad Company and subject to all existing leases and to sewer easement granted to the City of Olympia over Blocks 358 and 359.

Governor
authorized
to convey.

SEC. 2. The Governor is hereby authorized and directed to execute, and the Secretary of State to attest, a deed to the Port of Olympia conveying all of said tide lands.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 97.

[S. B. 27.]

PARKS, PLAYGROUNDS, GYMNASIUMS, SWIMMING
POOLS, FIELD HOUSES, RECREATIONAL FACILITIES,
BATHING BEACHES, ROADS AND PUBLIC CAMPS.

AN ACT relating to parks, playgrounds, gymnasiums, swimming pools, field houses, recreational facilities, bathing beaches, roads and public camps; authorizing certain municipalities and local subdivisions of government to operate, acquire or join in the acquisition thereof; to join in the conduct of a recreation program and amending sections 1, 2 and 3, chapter 107, Laws of 1921.

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

SECTION 1. Section 1, chapter 107, Laws of 1921 Amendment.
(sec. 9319, Rem. Rev. Stat.), is amended to read as follows:

Section 1. Any city in this state acting through its City Council, or its Board of Park Commissioners when authorized by charter or ordinance, any separately organized park district acting through its Board of Park Commissioners or other governing officers, any school district acting through its Board of School Directors, any county acting through its Board of County Commissioners, and any town acting through its City Council shall have power, acting independently or in conjunction with the United States, the State of Washington, any county, city, park district, school district or town or any number of such public organizations to acquire any land within this state for park, playground, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beach or public camp purposes and roads leading from said parks, playgrounds, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, or public camps to nearby highways by donation, purchase or condemnation, and to build, construct, care for, control, supervise, improve, operate and maintain parks,

Acquisition
of land for
parks, play-
grounds, etc.

playgrounds, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, roads and public camps upon any such land, including the power to enact and enforce such police regulations not inconsistent with the constitution and laws of the State of Washington, as are deemed necessary for the government and control of the same. The power of eminent domain herein granted shall not extend to any land outside the territorial limits of the governmental unit or units exercising said power.

Restriction on power of eminent domain.

Amendment.

SEC. 2. Section 2, chapter 107, Laws of 1921 (sec. 9320, Rem. Rev. Stat.), is amended to read as follows:

Authority to contract.

Section 2. Any city, park district, school district, county or town shall have power to enter into any contract in writing with any organization or organizations referred to in this act for the purpose of conducting a recreation program or exercising any other power granted by this act. In the conduct of such recreation program property or facilities owned by any individual, group or organization, whether public or private, may be utilized by consent of the owner.

Amendment.

SEC. 3. Section 3, chapter 107, Laws of 1921 (sec. 9321, Rem. Rev. Stat.), is amended to read as follows:

Camps.

Section 3. Any city, town, county, separately organized park district, or school district shall have power to establish, care for, control, supervise, improve, operate and maintain a public camp or camps anywhere within the state, and to that end may make, promulgate and enforce any reasonable rules and regulations in reference to such camps and make such charges for the use thereof as may be deemed expedient.

SEC. 4. This act shall not be construed to repeal or limit any existing power of any city or park district, but to grant powers in addition thereto.

Existing powers not repealed.

Passed the Senate March 8, 1949:

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 98.

[S. B. 99.]

LIVESTOCK.

AN ACT relating to the inspection for livestock brands; providing for the inspection of meats and hides; fixing fees for brand inspection, re-recording of brands, and community sales and slaughtering; prescribing penalties for illegal branding; providing for reciprocal agreements with other states on brand inspection; amending section 5, chapter 156, Laws of 1935; sections 6, 10, and 12, chapter 75, Laws of 1937; section 3, chapter 198, Laws of 1939; and sections 2 and 4, chapter 187, Laws of 1947, and repealing section 8, chapter 75, Laws of 1937.

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

SECTION 1. As used in this act, unless clearly indicated otherwise by the context:

Definitions.

(1) "Director" means the Director of Agriculture;

"Director."

(2) "Meat food animal" means cattle, horses, mules, asses, swine, sheep and goats;

"Meat food animal."

(3) "Carcass" means all parts, including viscera, of a dead meat food animal;

"Carcass."

(4) For the purpose of procuring a farm slaughter permit "bona fide farmer" means any person chiefly engaged in producing agricultural products on whose farm the number of meat food animals is in keeping with the size of the farm and who has owned the dam of eighty per cent of the meat food animals slaughtered or to be slaughtered under farm slaughter permit, but does not mean any person who actively engages in buying or trading meat food animals, or actively engages, directly or indirectly,

"Bona fide farmer."

in conducting a business which includes the slaughter of meat food animals, but excepting persons who slaughter the livestock of a bona fide farmer at his request and for his own use, or actively engages, directly or indirectly, in buying or selling meat or meat food products other than those sold under his farm slaughter permit, or sells less than a quarter of a meat food animal, or slaughters, or permits any person to slaughter, on his farm meat food animals which are not actually owned by him.

Amendment.

SEC. 2. Section 5, chapter 156, Laws of 1935 (sec. 3055-5, Rem. Rev. Stat. Supp.), is amended to read:

Notice for renewal of brand.

Section 5. On or before the first day of September, 1940 and every five years thereafter the Director shall notify by registered letter the owners of all recorded brands or tattoo marks then of record to renew same. A fee of two dollars shall be charged for renewing brands and tattoo marks. Upon receipt of said fee the Director shall issue a renewal certificate to the owner thereof granting the exclusive right to continue the use of said brand or tattoo mark. If any owner of a brand or tattoo mark which is on record shall fail to pay such renewal fee within six months after being notified as herein provided, such brand shall become forfeited and stricken from said records.

Fee for renewal.

Forfeiture of brand.

Obliteration or removal of brand from cattle.

SEC. 3. No person shall obliterate, disfigure, extend, deface, or remove from any livestock a recorded livestock brand; or brand any livestock with a brand recorded for the exclusive use of the State of Washington without first having secured permission from the Director.

Penalty for violation.

SEC. 4. The violation of any provision of section 3 shall be a gross misdemeanor.

Amendment.

SEC. 5. Section 3, chapter 198, Laws of 1939 (sec. 3169-10a, Rem. Rev. Stat. Supp.), is amended to read:

Inspection fee.

Section 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 livestock or hides shall be twenty cents per head and such fee or charge shall be a lien upon the livestock or hides inspected until the same shall be paid.

SEC. 6. Section 4, chapter 187, Laws of 1947 (sec. 3207-7, Rem. Supp. 1947), is amended to read: Amendment.

Section 4. The operator of each community livestock sale shall collect from the consignor and pay to the Director a fee for brand and/or clinical health inspection for each animal consigned to the sale on the following basis: Fees for livestock sale.

- Cattle, twenty cents per head;
- Horses, twenty cents per head;
- Mules, twenty cents per head;
- Sheep, three cents per head;
- Swine, five cents per head;
- Poultry, two cents per head;
- Rabbits, two cents per head;

Provided, That, if the total fees collected from the consignor on brand and/or clinical health inspection on all livestock inspected, in any one day, does not amount to ten dollars, then the minimum fee of ten dollars per day shall be paid by the community sale operator: *And providing further*, That fees necessary for the testing, vaccinating, or brand inspection to the purchaser shall be in addition to said fee charged to the consignor for brand and/or health inspection, shall be collected by the sales operator, shall be paid to the Director, and shall not apply on the ten dollar minimum fee. Maximum fee to be collected.

SEC. 7. Section 2, chapter 187, Laws of 1947 (sec. 3207-5, Rem. Supp. 1947), is amended to read: Amendment.

Section 2. No person, firm or corporation shall operate a community livestock sale unless he has first secured a written permit from the Director to operate the sale. Such permits shall be issued annually without charge and shall be subject to revocation with notice by the Director for failure to com- Permit to operate livestock sale.

ply with laws and regulations relating to the sale of livestock and the sanitation and supervision of community livestock sales.

Laws
affecting
inspection
of meat.

SEC. 8. The inspection of meat and meat food products at licensed slaughtering establishments shall comply with existing statutes, United States Bureau of Animal Industry meat inspection regulations, where applicable, and rules and regulations promulgated by the Director.

Amendment.

SEC. 9. Section 12, chapter 75, Laws of 1937 (sec. 3169-12, Rem. Rev. Stat. Supp.), is amended to read:

Inspection
waived,
when.

Section 12. No person, firm or corporation shall be required to have his or her livestock inspected, nor be required to execute the certificates of permit called for in this act when the transportation or movement from one point to another within the state is entirely upon lands exclusively within the control of the party transporting such livestock, or when such livestock are being moved for temporary grazing or feeding purposes: *Provided*, That such livestock being moved for temporary grazing or feeding purposes must bear the healed, registered brand of the person moving such livestock or be accompanied by a certificate of permit. In the event the owner or his agent is requested by any peace officer or deputy appointed by the Director of Agriculture to furnish evidence that he is the legal owner of the livestock being so moved, it shall be his duty to assist the officer or deputy to establish the identity and rightful ownership of such stock being so moved or transported, and it shall be a violation of this act to refuse assistance or to interfere with such officer or deputy in the inspection thereof.

Cooperation
with officers.

Amendment.

SEC. 10. Section 10, chapter 75, Laws of 1937 (sec. 3169-10, Rem. Rev. Stat. Supp.), is amended to read:

Section 10. The Director may appoint brand inspectors at any public stockyard in the state if he

deems it necessary for the enforcement of this act. For the purposes of this act a public stock yard shall be defined as any stock yard operating under the "Federal Packers and Stockyards Act."

Brand inspectors at public stockyards.

SEC. 11. Section 6, chapter 75, Laws of 1937 (sec. 3169-12, Rem. Rev. Stat. Supp.), is amended to read:

Amendment.

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 or transport on the public highways dressed carcasses of meat food animals unless such carcasses are accompanied by the hides thereof with tails and ears attached and must 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.

Slaughtering when location not permanent.

SEC. 12. Any person transporting hides of meat food animals on the public highways of the state must have, at all times, in his possession a copy of an original certificate of permit or an official brand certificate to such hides giving name and address of consignor, number, kind, color, and brands of hides and to whom consigned.

Transporting hides on public highways.

No person shall remove hides of meat food animals from one county to another county within the state or to remove such hides from the state without first having secured an official certificate of brand inspection or in lieu thereof to have the hides tagged and marked in the manner prescribed by the Director.

Removal of hides to another county or out of state.

SEC. 13. Inspectors or agents employed by the Director shall have the right to enter, during business hours, any meat shop, restaurant or refrigerated locker plant, or any other place where meat is commercially stored or sold to make inspections of

Right to inspect meat.

carcasses and to examine the books and records required by law to be kept therein and to compare the carcasses with such records.

Reciprocal agreements to prevent livestock theft.

SEC. 14. The Director shall have authority to enter into reciprocal agreements with any or all western states in the prevention of livestock theft. When the laws of such states require an official brand certificate for interstate shipment of livestock, livestock from such states that enter Washington without official brand certificates may be declared estrays and handled in the same manner as Washington estrays. The Director or his authorized agent shall have authority to hold animals or hold proceeds from the sale of said estrays and transmit proceeds to the proper state authority of the state of origin.

Estrays.

Brands must be plainly visible.

SEC. 15. It shall be the responsibility of the owner of livestock or the person in charge thereof, with the assistance of the brand inspector, to make all brands plainly visible at the time of brand inspection.

Repealing clause.

SEC. 16. Section 8, chapter 75, Laws of 1937 (sec. 3169-8, Rem. Rev. Stat. Supp.), is repealed.

Rules and regulations.

SEC. 17. The Director of Agriculture is authorized to make and promulgate rules and regulations for the enforcement of this act but no such rules and regulations shall be inconsistent with the provisions herein prescribed.

Penalty for violations.

SEC. 18. Violations of this act, not otherwise provided for, shall be a misdemeanor.

Partial invalidity.

SEC. 19. 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 invalid or unconstitutional.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 99.

[S. B. 111.]

PROTECTION OF FISH LIFE.

AN ACT relating to rivers and streams, and rights of riparian owners; amending section 1, chapter 40, Laws of 1943; and declaring an emergency.

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

SECTION 1. Section 1, chapter 40, Laws of 1943 (sec. 5734-1, Rem. Supp. 1943), is amended to read as follows: Amendment.

Section 1. In the event that any person, firm, corporation or government agency desires to construct any form of hydraulic project or other project that will use, divert, obstruct or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person, firm, corporation or government agency shall submit to the Department of Fisheries and the Department of Game full plans and specifications of their proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence and shall secure the written approval of the Director of Fisheries and the Director of Game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person, firm, corporation or government agency shall commence construction on any such works or projects without first providing plans and specifications subject to the approval of the Director of Fisheries and the Director of Game for the proper protection of fish life in connection therewith and without first

Directors
of Fisheries
and Game
to approve
plans.

Penalty for
violations.

Subject to
abatement.

having obtained written approval of the Director of Fisheries and the Director of Game as to the adequacy of such plans and specifications submitted for the protection of fish life, he, it or they shall be guilty of a gross misdemeanor. If any such person, firm, corporation or government agency be convicted of violating any of the provisions of this act and continues construction on any such works or projects without fully complying with the provisions of this act, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such: *Provided*, That in case of an emergency arising from weather or stream flow conditions the Department of Fisheries or Department of Game, through their authorized representatives, shall issue oral permits to a riparian owner or owner of a legal water right for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Emergency.

SEC. 2. This act is necessary for the immediate public health and welfare, and shall take effect immediately.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 100.

[S. B. 100.]

DISPOSAL OF DEAD ANIMALS.

AN ACT relating to the disposal of dead animals; providing for the licensing of rendering plants, substations, places of transfer, and independent collectors; providing for the revocation of licenses; providing for application for licenses; establishing a rendering plant fund; providing minimum sanitary and building requirements for handling dead animals; providing minimum requirements on vehicles; and repealing sections 12 and 13, chapter 172, Laws of 1947.

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

SECTION 1. For the purposes of this act, unless Definitions. clearly indicated otherwise by the context:

1. "Director" means the Director of Agriculture; "Director."
2. "Meat food animal" means cattle, horses, "Meat food animal." mules, asses, swine, sheep and goats;
3. "Dead animal" means the body of a meat food "Dead animal." animal, or any part or portion thereof, provided, that the following dead animals are exempt from the provisions of this act:
 - (a) Edible products from a licensed slaughtering establishment;
 - (b) Edible products where the meat food animal was slaughtered under farm slaughter permit;
 - (c) Edible products where the meat food animal was slaughtered by a *bona fide* farmer on his own ranch for his own consumption;
 - (d) Hides from meat food animals that are properly identified as to ownership and brands;
4. "Carcass" means all parts, including viscera, "Carcass." of a dead meat food animal;
5. "Person" means any individual, firm, cor- "Person." poration, partnership, or association;
6. "Rendering plant" means any place of busi- "Rendering plant." ness or location where dead animals or any part or portion thereof, or packing house refuse, are proc-

essed for the purpose of obtaining the hide, skin, grease residue, or any other by-product whatsoever;

"Substation."

7. "Substation" means a properly equipped and authorized concentration site for the temporary storage of dead animals or packing house refuse pending final delivery to a licensed rendering plant;

"Place of transfer."

8. "Place of transfer" means an authorized re-loading site for the direct transfer of dead animals or packing house refuse from the vehicle making original pickup to the line vehicle that will transport the dead animals or packing house refuse to a specified licensed rendering plant;

"Independent collector."

9. "Independent collector" means any person who does not own a licensed rendering plant within the State of Washington but is properly equipped and licensed to transport dead animals or packing house refuse to a specified rendering plant.

Animals dying from disease must be buried.

SEC. 2. Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof to such a depth that no part of the carcass shall be nearer than three feet from the surface of the ground. Any animal found dead shall be presumed to have died from and on account of disease.

Restriction on sale and transportation.

SEC. 3. It is unlawful for any person to sell, offer for sale or give away a dead animal or convey the same along any public road or land not his own: *Provided*, That dead animals may be sold or given away to and legally transported on highways by a person having an unrevoked, annual license to operate a rendering plant or by a person having an unrevoked, annual license to operate as an independent collector.

Operation of rendering plant.

SEC. 4. It is unlawful for any person to operate a rendering plant or act as an independent collector without first obtaining a license from the Director.

SEC. 5. Any person engaged in operating a rendering plant shall secure from the Director an annual rendering plant license and pay an annual fee of one hundred dollars: *Provided*, That no license shall be required to operate a rendering plant on the premises of a licensed slaughtering establishment maintaining state or Federal meat inspection unless said rendering plant receives dead animals that have been transported on public highways.

License to operate rendering plant.

SEC. 6. Any person engaged in the business of independent collector shall secure from the Director an annual independent collector license and pay an annual fee of fifty dollars.

Independent contractor's license.

SEC. 7. Any rendering plant operator or independent collector that operates substations or places of transfer shall secure from the Director an annual substation license or place of transfer license and pay an annual fee of twenty-five dollars for each substation or place of transfer.

Substation license.

SEC. 8. Any license or permit issued under this act shall expire on the 30th day of June next subsequent to the date of issue, and may be sooner revoked by the Director or his authorized representative for violations of this act. Any licensee or permittee under this act shall have the right to demand a hearing before the Director before a revocation is made permanent.

Expiration or revocation of licenses.

Hearing on revocation.

SEC. 9. Any person applying for a license to operate a rendering plant and/or substation and/or place of transfer, or to act as an independent collector shall make application on forms furnished by the Director. Said application shall give all information required by the Director and shall be accompanied by the required license fee.

Application forms for licenses.

SEC. 10. If the Director finds that the locations, buildings, substations equipment, vehicles, places of transfer, or proposed method of operation do not

Failure to comply with requirements.

Notice
of non-
compliance.

fully comply with the requirements of this act, he shall notify the applicant by registered letter wherein the same fails to comply. If the applicant whose plant or operation failed to comply notifies the Director within ten days from the receipt of the registered letter that he will discontinue operations, the fee accompanying the application will be returned to him; otherwise no part of the fee will be refunded. If the applicant whose plant failed to comply within a reasonable time, to be fixed by the Director or his authorized representative, notifies the Director that such defects are remedied, a second inspection shall be made. Not more than two inspections may be made on one application.

Application
fee returned.

Second
inspection if
defects
remedied.

Funds
collected
from fees.

SEC. 11. Funds collected for license fees and inspection fees shall be retained by the Director to be used for the enforcement of this act.

Require-
ments for
license.

SEC. 12. Every licensee under this act must comply with the following:

1. All floors shall be constructed of concrete or other impervious material, shall be kept reasonably clean and in good repair. Floors shall slope at least one fourth inch to the foot toward drains, and slope at least three eighths inch to the foot as the drains are approached.

2. Adequate sanitary drainage must be provided leading to approved grease traps and approved sewage disposal system. No point on the floor shall be over sixteen feet from a drain.

3. Suitable disposal of paunch contents must be provided in accordance with sanitary regulations.

4. Walls shall be of impervious material to a height not less than six feet from the floor with a tight union with the floor.

5. Potable water supply shall be provided for human consumption, washing and cleaning.

6. Ample steam shall be provided for cleaning purposes.

7. Approved toilet and dressing room facilities must be provided for employees.

8. The building must be kept free from flies, rats, mice, and cockroaches.

9. Premises must be kept neat and orderly and all buildings must be attractive in appearance.

10. All rendering plants, substations, and places of transfer shall be so located, arranged, constructed and maintained, and the operation so conducted at all times as to be consistent with public health and safety.

11. Suitable facilities for the dipping, washing and disinfecting of hides obtained from animals that died or were killed on account of an infectious or contagious disease, shall be provided.

12. Two copies of building or remodelling plans shall be forwarded to the Director for his approval before such building or remodelling is begun.

SEC. 13. Every licensee under this act shall comply with the following:

Requirements for
license.

1. Dead animals shall be placed in containers or vehicles which are constructed of or lined with impervious material, and which do not permit the escape of any liquid, and which are covered in such a way that the contents shall not be openly exposed to insects.

2. All vehicles and containers used for transporting dead animals shall be properly cleaned and disinfected before leaving the premises of a rendering plant, substation or place of transfer.

3. After original loading, dead animals shall not be moved from the transporting container or vehicle upon a public highway or in any other place, except at a licensed rendering plant, licensed substation, or licensed place of transfer.

4. No containers and vehicles used for transporting dead animals shall be used for the transporting of live animals except to a licensed rendering plant.

5. All vehicles used to haul dead animals that have died of an infectious or contagious disease, shall proceed directly to the unloading point and shall not enter other premises until the vehicle has been properly cleaned and disinfected.

6. The name of the rendering plant or independent collector shall be painted in letters at least four inches high on each side of every truck used for transporting dead animals.

7. The skinning and dismembering of dead animals shall be done in the building where they are processed.

8. Cooking vats or tanks shall be air tight except for proper escape for steam or vapor.

9. Steam or vapor from cooking vats or tanks shall be so disposed of as not to be detrimental to public health or safety.

10. Dead animals shall be processed within forty-eight hours after delivery to the rendering plant.

11. No carcasses, parts thereof, or packing house refuse under process for marketing shall be permitted to come in contact with any part of the building or the equipment used in connection with the unloading, skinning, dismembering and grinding of carcasses or refuse as originally received at disposal plant.

Director shall have free access to premises.

SEC. 14. The Director or his authorized agent, shall have free and uninterrupted access to all parts of premises that come under the provisions of this act, for the purpose of making inspections and the examination of records.

Horse meat.

SEC. 15. It shall be unlawful for any person to transport, to sell, offer to sell, or have on his premises horse meat for other than human consumption unless said horse meat is decharacterized in a manner prescribed by the Director: *Provided*, That this provision shall not apply to carcasses slaughtered by a

farmer for consumption on his own ranch or to carcasses in the possession of a person licensed under this act, or to canned horse meat meeting United States Bureau of Animal Industry regulations.

SEC. 16. It shall be unlawful to feed carcasses of animals, or any part or portion thereof, to swine, unless said carcasses or portions thereof are cooked in a manner prescribed by the Director.

Feeding dead carcasses to swine.

SEC. 17. The Director is authorized and shall make and enforce such regulations as may be necessary to effectuate the provisions of this act. Such regulations shall be consistent with the provisions of this act.

Director may make rules and regulations.

SEC. 18. The violations of any provision of this act shall be a misdemeanor.

Penalty for violations.

SEC. 18A. Nothing in this act shall prohibit the State Game Department from using the carcasses of dead animals for trap bait in their regular trapping operations.

Use of carcasses by Game Department.

SEC. 19. Sections 12 and 13, chapter 172, Laws of 1947 are repealed.

Repealing clause.

SEC. 20. 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, nor any section, sentence, phrase, or word thereof not adjudged invalid or unconstitutional.

Partial invalidity.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 101.

[S. B. 136.]

TRANSPORTATION OF EXPLOSIVES, INFLAMMABLE
MATERIAL, CORROSIVES, COMPRESSED GASSES,
POISONS AND OXYDIZING MATERIALS.

AN ACT relating to transportation of explosives, inflammable materials, corrosives, compressed gasses, poisons, oxydizing materials and other dangerous articles; and empowering the Washington State Patrol to make rules and regulations pertaining thereto.

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

State
Patrol has
jurisdiction.

SECTION 1. The Washington State Patrol acting by and through the Chief of the Washington State Patrol, together with the committee created by section 3 hereof shall have jurisdiction over the safety in the transportation of explosives, inflammable materials, corrosives, compressed gasses, poisons, oxydizing materials and other dangerous articles upon the public highways of this state and shall have power to make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The Chief of the Washington State Patrol shall appoint the necessary qualified personnel to carry out the provisions of this act.

Rules and
regulations.

Appointment
of personnel.

Interstate
Commerce
Commission
regulations.

SEC. 2. It shall be the duty of the Washington State Patrol to make a study of the Interstate Commerce Commission regulations pertaining to the transportation of the materials described in section 1 of this act, and the laws of this state pertaining to the same subject in order that the Chief of the Washington State Patrol may make necessary and proper recommendations to the Legislature and State Departments from time to time to bring about uniformity between the laws and regulations of the Federal government and this state in regard to the transportation of such materials.

SEC. 3. The Chief of the Washington State Patrol shall appoint a committee to serve in a purely technical advisory capacity to aid in the study and evaluation of proposed regulations concerning safety in the transportation of materials described in section 1 of this act. The technical advisory committee shall consist of five citizens of the state employed in the following designated enterprises: one appointed each from the explosive industry, the petroleum industry, the chemical industry, the trucking industry and a representative appointed by the Washington State Association of Fire Chiefs.

Technical
advisory
committee.

Passed the Senate March 8, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 102.

[S. B. 118.]

PROBATE—HOMESTEADS.

AN ACT relating to probate law and procedure; providing for the awarding and setting aside of property of decedent to surviving spouse in lieu of homestead; amending section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 197, Laws of 1945 (sec. 1473, Rem. Rev. Stat., Supp. 1945); and amending section 104, chapter 156, Laws of 1917, as amended by section 1, chapter 198, Laws of 1945 (sec. 1474, Rem. Rev. Stat., Supp. 1945).

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

SECTION 1. Section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 197, Laws of 1945 (sec. 1473, Rem. Rev. Stat., Supp. 1945), is amended to read as follows:

Amendment.

Section 103. If it shall be made to appear to the satisfaction of the Court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate

Set off of
homestead to
surviving
spouse.

is being administered, then the Court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of Four Thousand Dollars (\$4,000.00) exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse. The property so set off shall include the home and household goods, if any, and such award shall be made by an order of judgment of the Court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: *Provided*, That no property of the estate shall be awarded or set off, as in this section provided, to a surviving spouse who has feloniously killed the deceased spouse; and *Provided further*, That if it shall appear to the Court, either (1) that there are minor or incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse is entitled to receive insurance on the life of the deceased spouse in the sum of Five Thousand Dollars (\$5,000.00), or more, that the award in lieu of homestead and exemptions shall lie in the discretion of the Court, and that whether there shall be an award and the amount thereof shall

Award in
discretion of
court under
certain
conditions.

be determined by the Court, who shall enter such decree as shall be just and equitable but not in excess of the award provided herein. Notice of such hearing shall be given by posting a notice in three public places in the county in which the hearing is to be held. Said notice may be posted by the Clerk of the Superior Court of the county in which the hearing is to be held, or may be posted by any person qualified to serve a summons in a civil action. Said notices shall be posted at least ten (10) days prior to the date fixed for the hearing. If there be any minor child or incompetent heir of the decedent, the Court shall appoint a guardian ad litem for such minor child or incompetent heir, who shall appear at the hearing and represent the interest of such minor child or incompetent heir. The order of judgment of the Court making the award or awards provided for in this section shall be conclusive and final, except on appeal and except for fraud. The awards in this section provided shall be in lieu of all homestead provisions of the law and of exemptions. The said property, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of the deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community.

Notice of hearing.

Order or judgment conclusive.

Under this section, the Court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse: *Provided*, That the awards provided for in this section shall not be taken from separate property of the deceased which is otherwise disposed of by will.

Limitation on amount of award.

SEC. 2. Section 104, chapter 156, Laws of 1917, as amended by section 1, chapter 198, Laws of 1945 (sec. 1474, Rem. Rev. Stat., Supp. 1945), is amended to read as follows:

Amendment.

Decree of
set off for
surviving
spouse.

Section 104. In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the Court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed Four Thousand Dollars (\$4,000.00), exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon such notice as the Court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor. If the value of the homestead, exclusive of all such liens, be less than Four Thousand Dollars (\$4,000.00), the Court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal Four Thousand Dollars (\$4,000.00): *Provided*, That if it shall appear to the Court, either (1) there are minor or incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse is entitled to receive insurance on the life of the deceased spouse in the sum of Five

Value.

Award in
discretion of
court under
certain
conditions.

Thousand Dollars (\$5,000.00), or more, that the award of property in addition to the homestead, where the homestead is of less than Four Thousand Dollars (\$4,000.00) in value, shall lie in the discretion of the Court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the Court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein. Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions. The property in addition to the homestead, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of the deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community.

Decree
conclusive.

Under this section, the Court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse: *Provided*, That the awards provided for in this section shall not be taken from separate property of the deceased which is otherwise disposed of by will.

Limitation
on amount
of award.

Passed the Senate March 8, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 103.

[S. B. 221.]

IRRIGATION DISTRICTS.

AN ACT relating to diking and irrigation districts, providing for elections; authorizing the directors to retire certain bonds by various methods; making bonds of districts eligible for certain investments, amending section 6, chapter CXV, Laws of 1895 and section 13, chapter 162, Laws of 1917 as amended by section 28, chapter 129, Laws of 1921.

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

Amendment.

SECTION 1. Section 6, chapter CXVII, Laws of 1895, as amended (sec. 4242, Rem. Rev. Stat.), is amended to read as follows:

Election of Diking Commissioners.

Section 6. A general election for the election of a Board of Dike Commissioners for such district shall be held upon the second Tuesday in March, 1916, and annually thereafter. The term of office of Commissioners shall be for three years and until their successors are elected and qualified, but of the Commissioners elected at the first election held under the provisions of this act the Commissioner receiving the highest number of votes shall hold office for three years. The Commissioner receiving the second highest number of votes shall hold office for two years, and the Commissioner receiving the third highest number of votes shall hold office for one year. The term of office shall begin on the first Monday of the following April, and such election shall be conducted by the Board of Diking Commissioners who shall prepare the ballot therefor, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of two dollars per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the Board of Commissioners of such diking district, by posting the same

Term of office.

Expenses of election.

Notice of election.

in four public places within said district, and by publishing the same at least once in a legal newspaper published in said district, or if none be published therein, then in a legal newspaper in the county in which said district is situated. Said notice shall contain the names of two electors of the county owning land in the district as judges of said election and the name of one elector of the county owning land in the district as inspector thereof, the same to be chosen by said Board of Commissioners. The Board may declare the entire district as one precinct and shall designate in the notice of election the place of voting; if the district is large, the Board may designate in the notice of election the number and places of voting. Said Board of Commissioners shall be a canvassing board to canvass the votes of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

Contents of
notice.

Canvassing
board.

SEC. 2. Section 13, chapter 162, Laws of 1917, as amended by section 28, chapter 129, Laws of 1921 (sec. 7463, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 13. The cost of said improvement shall be especially assessed against the lands within such local improvement district in proportion to the benefits accruing thereto, and shall be levied and collected in the manner provided by law for the levy and collection of land assessments or toll assessments or both such form of assessments.

Special
assessment
for improve-
ments.

All provisions in this chapter contained for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor or the bonds issued to meet the cost thereof. Assessments when collected by the County Treasurer for

Bond
redemption
fund.

the payment for the improvement of any local improvement district shall constitute a special fund to be called "Bond Redemption Fund of Local Improvement District No.——" and bonds issued under this act shall be eligible for disposal to and purchase by the Director of the Department of Conservation and Development under the provisions of the State Reclamation Act.

Payment of
assessments.

The cost or any unpaid portion thereof, of any such improvement, charged or to be charged or assessed against any tract of land may be paid in one payment by the owner or any one acting for him, under and pursuant to such rules as the Board of Directors may adopt, and all such amounts shall be paid over to the County Treasurer who shall place the same in the appropriate fund. No such payment shall thereby release such tract from liability to assessment for deficiencies or delinquencies of the levies in such improvement district until all of the bonds, both principal and interest, issued for such local improvement district have been paid in full. The receipt given for any such payment shall have the foregoing provision printed thereon. The amount so paid shall be included on the annual assessment roll for the current year, provided, such roll has not then been delivered to the Treasurer, with an appropriate notation by the Secretary that the amount has been paid. If the roll for that year has been delivered to the Treasurer then the payment so made shall be added to the next annual assessment roll with appropriate notation that the amount has been paid.

Receipt of
payment.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 104.

[S. B. 223.]

DRAINAGE DISTRICTS—ELECTION OF
COMMISSIONERS.

AN ACT relating to drainage districts; providing for election of commissioners; and amending section 6, chapter CXV, Laws of 1895, as amended.

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

SECTION 1. Section 6, chapter CXV, Laws of 1895, Amendment. as amended (sec. 4303, Rem. Rev. Stat.), is amended to read as follows:

Section 6. A general election for the election of a Board of Drainage Commissioners of such district shall be held upon the second Tuesday in March, 1922, and annually thereafter. The term of office of Commissioners shall be for three years and until their successors are elected and qualified, but of the Commissioners elected at the first election held under the provisions of this act the Commissioner receiving the highest number of votes shall hold office for three years. The Commissioner receiving the second highest number of votes shall hold office for two years, and the Commissioner receiving the third highest number of votes shall hold office for one year. The term of office shall begin on the first Monday of the following April, and such election shall be conducted by the Board of Drainage Commissioners who shall prepare the ballot therefor, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of two dollars per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the Board of Commissioners of such drainage district, by posting the same in four

Election of Drainage Commissioners.

Term of office.

Expenses of election.

Notice of election.

Contents
of notice.

public places within said district, and by publishing the same at least once in a legal newspaper published in said district, or if none be published therein, then in a legal newspaper in the county in which said district is situated. Said notice shall contain the names of two electors of said district as judges of said election and the name of one elector of said district as inspector thereof, the same to be chosen by said Board of Commissioners. The Board may declare the entire district as one precinct and shall designate in the notice of election the place of voting; if the district is large, the Board may designate in the notice of election the number and places of voting. Said Board of Commissioners shall be a canvassing board to canvass the vote of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

Canvassing
board

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 105.

[S. B. 303.]

APICULTURE.

AN ACT relating to the Division of Apiculture, and to the sale of honey; amending certain sections of chapter 59, Laws of the Extraordinary Session of 1933, and section 39, chapter 199, Laws of 1939, and section 5, chapter 130, Laws of 1941; and declaring an emergency.

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

Amendment.

SECTION 1. Section 2, chapter 59, Laws of the Extraordinary Session of 1933 (sec. 3170-2, Rem. Rev. Stat. Supp.), is amended to read as follows:

Appointment
of apilary
inspectors.

Section 2. The Director of Agriculture shall have the power and it shall be his duty to appoint one or

more apiary inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the inspection and certification of bees intended for, leased, or rented for agricultural crop pollination purposes for strength and standard of quality of colonies, the enforcement of the provisions of this act in relation to the eradication and control of bee diseases, or any other such duties as the Director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the Director while so employed and his actual and necessary travelling expenses incurred in the performance of his duties. In order to facilitate inspection and certification of bees, it shall be the duty of any person owning or having bees in his possession to register the same with the county extension agent of the county wherein the bees are located, without charge, giving the location of the bee yard, name, address, and phone number, if any there be, of the owner, and to post a suitable notice at the yard where the bees are located, giving the same information, on or before April 1, of each calendar year.

Duties of inspectors.

Compensation and expenses.

Registration of bees.

SEC. 2. Section 3, chapter 59, Laws of the Extraordinary Session of 1933 (sec. 3170-3, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Section 3. The Director of Agriculture shall, as often as he deems necessary or when requested in writing by the owner of an apiary or upon the written complaint of any owner of an apiary, make or cause to be made by an inspector an inspection of any apiary or apiaries for the purpose of ascertaining whether or not they are infected with "American foul brood," "European foul brood," or any other disease which is infectious or contagious in its nature

Inspection for disease.

or injurious to bees in their eggs, larval, pupal or adult stages, and upon such inspection if it is found that any apiary is so infected, the inspector making the inspection, may require all infected bees, hives, and apiary equipment to be removed to a hospital yard far enough removed from other bees or apiary equipment and give the owners or caretakers thereof full instructions as to the best methods of controlling or eradicating the infection.

Disposition of infected bees, hives and equipment.

Amendment.

SEC. 3. Section 10, chapter 59, Laws of the Extraordinary Session of 1933 (sec. 3170-10, Rem. Rev. Stat. Supp.), is amended to read as follows:

Importation of bees.

Section 10. It shall be unlawful for any person to import any queen or packaged bees into this state unless such bees are accompanied by a certificate issued by the officers having charge of apiary inspection in the state or country from which such bees are imported, stating that they are free from contagious and infectious diseases.

Amendment.

SEC. 4. Section 12, chapter 59, Laws of the Extraordinary Session of 1933 (sec. 3170-12, Rem. Rev. Stat. Supp.), is amended to read as follows:

Penalties for violations.

Section 12. Any person who violates any provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of no more than one hundred dollars. Upon a second and subsequent violation and conviction, the same shall constitute a gross misdemeanor.

Amendment.

SEC. 5. Section 5, chapter 130, Laws of 1941 (sec. 3183-5, Rem. Supp. 1941), is amended to read as follows:

Permit to transport bees in hives and combs into state.

Section 5. The Director of Agriculture may issue permits for the transportation into this state of honey bees in hives or on combs under the following conditions: Each permit issued by the Director shall cover a specified number of colonies of bees in one shipment only; import permits shall specify the des-

tination in the state where the bees or colonies of bees will be placed in quarantine for a period of time of not less than thirty days from the date of arrival; all bees, hives, and apiary equipment imported into this state for which an import permit has been issued by the Director shall be inspected by a duly authorized apiary inspector of the state thirty days after arrival or as soon thereafter as convenient, and if any of the bees, brood, comb, hives or apiary equipment is found to be infected with "American foul brood," "European foul brood," or any other disease which is infectious or contagious in its nature or injurious to bees in their eggs, larval, pupal or adult stages, he shall burn or caused to be burned all colonies affected by such diseases and all honey and appliances which would spread the same, without recompense from the state to the owner, lessee, or other persons interested therein, and require the remaining colonies of bees and apiary equipment to remain in isolation under quarantine for another thirty days at the end of which time, or as soon thereafter as convenient, another inspection shall be made. If the remaining colonies of bees, honey, and appliances are found to be free of infectious or contagious diseases, they shall immediately be released for movement in the channels of intra-state commerce of the state. If, however, upon reinspection any of the remaining colonies of bees, honey, or appliances should be found to be affected by an infectious or contagious disease, the same shall be immediately destroyed by burning, without recompense from the state to the owner, lessee, or other persons interested therein; this section applies only to states having a reciprocal agreement of the subject matter herein.

Quarantine.

Inspection.

Disposition of infected bees, hives and equipment.

Quarantine of remaining bees and equipment.

Restriction on application of section.

SEC. 6. Section 39, chapter 199, Laws of 1939 (sec. 6163-39, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Notification to purchaser of grade and quality of honey.

Section 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: *Provided*, The provisions of this section shall not apply to honey while it is in transit in intra-state commerce from one establishment to the other, to be processed, labeled or re-packed.

Emergency.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health, safety and welfare and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 106.

[S. B. 295.]

SOIL CONSERVATION DISTRICTS.

AN ACT relating to agriculture and soil conservation districts; amending chapter 187, Laws of 1939; and making an appropriation.

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

Amendment.

SECTION 1. Section 4, chapter 187, Laws of 1939 (sec. 10726-4, Rem. Rev. Stat. Supp.), is amended to read as follows:

Section 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.

Powers and
duties.

(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 compensation. 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, in so far as may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign

Personnel.

Attorney
General legal
advisor.

Headquar-
ters.

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.

Chairman.

(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.

Members to serve without compensation.

Surety bonds.

Record of Committee.

Additional duties and responsibilities.

(d) In addition to the duties and responsibilities hereinafter conferred upon the State Soil Conservation Committee, it shall have the following 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.

(6) The Committee may upon the petition of a majority of the owners of land in any one or more conservation districts or the owners of land in unorganized territory adjoining a conservation district change the boundaries of a district or districts if such action will promote the practical and feasible administration of any such district or districts. The Committee may also upon a similar petition change the name of a district provided the proposed new name is not identical with that of another district or so similar thereto that confusion might result.

SEC. 2. Section 7, chapter 187, Laws of 1939 (sec. 10726-7, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

Section 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. Supervisors,
governing
body of
district.

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 Chairman.

Term of
office of
Supervisors.

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 in the office of appointed Supervisors shall be filled by the State Soil Conservation Committee. Vacancies in the office of elected Supervisors shall be filled by appointment made by the remaining Supervisors for the unexpired term. 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.

Quorum.

To serve without compensation.

Personnel.

The Supervisors may employ secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, 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.

Attorney General legal advisor.

Duties of Supervisors.

Surety bonds.

Record of proceedings.

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.

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.

Advisors.

SEC. 3. There is hereby appropriated from the General Fund to the State Soil Conservation Committee the sum of one thousand dollars (\$1,000) to pay the actual traveling and subsistence expenses of the two farm members of the State Soil Conservation Committee appointed by the Governor incurred in the performance of their duties under the Soil Conservation Act to be paid by the State Treasurer upon vouchers approved by the State Auditor.

Appropriation to State Soil Conservation Committee.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 107.

[S. B. 364.]

PRIVILEGE AND CATCH FEES ON FOOD FISH
AND SHELLFISH.

AN ACT relating to food fish and shellfish, providing for certain privilege fees and catch fees and the collection thereof by the Director of Fisheries; authorizing the Director of Fisheries to prescribe rules and regulations for collection of privilege and catch fees; providing penalties; creating a lien on cannery, packing plant, building, boats, scows and other equipment for delinquent privilege and catch fees; providing for surety bond; repealing certain statutes and all other acts in conflict with this act; and declaring an emergency.

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

Privilege fees
for engaging
in fishing
industry.

SECTION 1. In addition to all other taxes, licenses or fees provided by law there shall be paid to the State of Washington by those engaged in the fishing industry in this state the following privilege fees:

Fee outside
Columbia
river district.

(1) Cannery, curers, freezers, wholesale fish dealers, retail fish dealers or fish by-products manufacturers of food fish or shellfish, except those located within the Columbia river district, shall pay a privilege fee equal to one per cent (1%) of the value of the fresh or frozen food fish, or parts thereof, and the fresh or frozen shellfish, or parts thereof, which they receive, handle, deal in or deal with as original receiver.

Fees within
Columbia
river district.

(2) Cannery, curers, freezers, retail dealers, wholesale dealers or fish by-products manufacturers of food fish or shellfish located within the Columbia river district shall pay the following privilege fees on all fresh or frozen food fish, or parts thereof, and all fresh or frozen shellfish, or parts thereof, which they receive, handle, deal in or deal with as original receiver.

On all chinook salmon, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all steelhead, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all blueback salmon, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all silver salmon, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all sturgeon, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all striped bass, three-fourths cent ($\frac{3}{4}\phi$) per pound;

On all chum salmon, three-sixteenths cent ($\frac{3}{16}\phi$) per pound;

On all shad, three-sixteenths cent ($\frac{3}{16}\phi$) per pound;

On all smelt, three-tenths cent ($\frac{3}{10}\phi$) per pound;

On all tuna (albacore), twenty-five cents (25¢) per 100 pounds;

On all pilchard, three and three-fourths cents ($3\frac{3}{4}\phi$) per hundred pounds;

On all halibut, three and three-fourths cents ($3\frac{3}{4}\phi$) per hundred pounds;

On all other fish, three and three-fourths cents ($3\frac{3}{4}\phi$) per hundred pounds;

On all clams, three-tenths cent ($\frac{3}{10}\phi$) per pound;

On all crabs, seven and one-half cents ($7\frac{1}{2}\phi$) per dozen;

On all livers, ten cents (10¢) per 100 pounds;

The "Columbia river district" as used in this act shall include the counties of Klickitat, Skamania, Clark, Wahkiakum, Cowlitz, and that portion of Pacific county lying south of the northern boundaries of township 10 north, range 9 west, W. M.; township 10 north, range 10 west, W. M.; and township 10 north, range 11 west, W. M.

"Columbia river district" defined.

Where the fees are computed on the basis of poundage the fees shall be computed and paid on the basis of the total whole or round weight of the

Computation of fees based on poundage.

fish or shellfish handled by the person as an original receiver.

Boat house operators.

(3) Boat house operators shall pay a fee equal to one per cent (1%) of the gross income they receive from the rental of boats, motors, and gear to those fishing for or taking food fish or shellfish.

Fishing guides.

(4) Fishing guides shall pay a fee equal to one per cent (1%) of the gross revenue they receive for services rendered to persons fishing for or taking food fish or shellfish.

Commercial catch fee.

(5) A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to one per cent (1%) of the value of the food fish and shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to one per cent (1%) of the value of the food fish and shellfish, or parts thereof: *Provided further*, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms nor by those taking food fish or shellfish from the concurrent waters of the Columbia river.

Collection of catch fee.

The catch fees provided for herein shall be deducted from the payments made by the original receiver to the person catching or landing the food fish or shellfish, and the original receiver is hereby authorized and required to collect these fees and remit the same to the Director of Fisheries, and in event he fails to do so he shall be liable for such fees as he fails to collect and remit.

"Original receiver" defined.

"Original receiver" shall mean the person first receiving, handling, dealing in, or dealing with the fresh or frozen food fish or shellfish within the State of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, by-products manufacturer, or branch plant; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regard-

less of where the fish or shellfish were caught: *Provided however*, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country.

SEC. 2. The privilege fees herein provided for shall be due and payable in bi-monthly installments, and the fees accruing during each bi-monthly period shall be paid on or before the fifteenth day of the month immediately following the end of the bi-monthly period. On or before the day payment is required as provided above the person paying the privilege fees shall make out a return under oath, upon such forms and setting forth such information as the Director of Fisheries may require, and transmit the same, together with a remittance for the fees due, to the Director of Fisheries.

Payment
of fees.

Return on
oath.

SEC. 3. In the event the fees provided for are not paid as herein provided, interest shall accrue at the rate of eight per cent (8%), and the delinquent payments together with the accrued interest thereon shall constitute a first lien upon the cannery, packing plant, building, boats, scows, or other equipment used by the person owing the fees in the taking, handling, or processing of food fish or shellfish.

Delinquent
payments.

Interest.

First lien.

SEC. 4. The Director of Fisheries shall have the authority to promulgate such rules, regulations, and orders, and to require such reports as in his judgment shall be necessary to insure the payment of the fees herein required.

Rules and
regulations.

SEC. 5. In event any person wilfully violates the provisions of this act, or any of the rules, regulations, or orders of the Director made pursuant to this section, he shall be guilty of a gross misdemeanor and subject to a fine, or imprisonment, or both.

Penalties for
violations.

SEC. 6. In event any person wilfully violates any of the provisions of this act or the rules, regulations, and orders of the Director made pursuant to the pro-

Wilful
violations.

Bond. provisions of this act, the Director shall have the authority to require such person to post a bond, in an amount not to exceed five thousand dollars (\$5,000), conditioned upon his faithful performance of the provisions of the act and the rules, regulations, and orders of the Director made pursuant to this act, and in event such person shall fail to post such a bond within thirty (30) days after the same is demanded by the Director, the Director shall forthwith cancel and revoke any license or licenses to engage in the fishing industry that such person was theretofore issued by the State of Washington.

Revocation of licenses.

Repealing clause.

SEC. 7. Sections 51a and 52, chapter 31, Laws of 1915, as amended (sec. 5704a, Rem. Rev. Supp.), section 9, chapter 90, Laws of 1923, as amended (sec. 5704a, Rem. Rev. Supp.), and all other acts or parts of acts in conflict herewith are hereby repealed.

Partial invalidity.

SEC. 8. The invalidity of any portion of this act shall not affect the validity of any other portion which can be given effect without such invalid part.

Emergency.

SEC. 9. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1949.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 108.

[S. B. 376.]

STATE ASSISTANCE TO SCHOOL DISTRICTS.

AN ACT relating to state assistance to school districts; prescribing conditions; and amending section 3, chapter 278, Laws of 1947.

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

SECTION 1. Section 3, chapter 278, Laws of 1947 (sec. 4940-14, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section 3. The amount of state assistance to a school district in financing a school plant project shall be determined in the following manner: Determina-
tion of
amount of
state
assistance.

(1) The Board of Directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: *Provided*, That the total cost of the project shall be subject to review and approval by the State Board of Education. Board to
ascertain
project costs.

Items of cost

Review by
State Board.

(2) The Superintendent of Public Instruction shall (a) ascertain the assessed valuation of the district adjusted to fifty per centum (50%) of the true and fair value in money of the taxable property in the district in accordance with the ratio of assessed valuation to actual valuation fixed by the State Board of Equalization for the county to which the district belongs; and (b) compute the ratio of the aforesaid assessed valuation of the district to the number of educational units approved for allotment to the district of current state school funds: *Provided*, That this number of units may be increased Computa-
tions by the
Superinten-
dent of
Public
Instruction.

by the aforesaid officer for the use thereof specified in this act upon the finding by said officer that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district: *Provided further*, That in the case of union high school districts the number of units shall include those of the member grade school districts in addition to the actual number of units in the union high school.

Union high school districts.

Percentage of state assistance.

(3) The ratio of the assessed valuation of the district to the number of educational units thereof, computed in the manner hereinabove provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

<i>Ratio of Assessed Valuation to Number of Educational Units</i>	<i>Percentage of State Assistance</i>
\$28,570 or less to 1.....	75.0%
\$30,000 to 1.....	73.9
\$35,000 to 1.....	70.2
\$40,000 to 1.....	66.7
\$45,000 to 1.....	63.3
\$50,000 to 1.....	60.0
\$55,000 to 1.....	56.9
\$60,000 to 1.....	53.8
\$65,000 to 1.....	50.9
\$70,000 to 1.....	48.1
\$75,000 to 1.....	45.5
\$80,000 to 1.....	42.9
\$85,000 to 1.....	40.4
\$90,000 to 1.....	37.9
\$95,000 to 1.....	35.6
\$100,000 to 1.....	33.3
\$105,000 to 1.....	31.1
\$110,000 to 1.....	29.0
\$115,000 to 1.....	27.0
\$120,000 or over to 1.....	25.0

Amount of state assistance.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the dis-

trict for the financing of the project: *Provided*, That need therefor has been established to the satisfaction of the Superintendent of Public Instruction acting in accordance with the provisions of section 4: *Provided further*, That additional state assistance may be allowed if it is found by the Superintendent of Public Instruction that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, and other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of non-resident students into parental schools or into educational programs established, maintained and operated in conformity with the requirements of Chapter 115, Laws of 1945; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to the effective date of Chapter 278, Laws of 1947, and without benefit of the state assistance provided for therein, the construction of a needed school building project or projects approved in conformity with the requirements of the aforesaid Chapter 278, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b) and (c) hereinabove, creating a like emergency.

Need
must be
established.

Additional
assistance
may be
allowed
under stated
conditions.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 109.

[S. B. 386.]

FUNDS IN LIQUOR POOLS OF CHARTER CLUBS.

AN ACT relating to the distribution of funds in liquor pools of chartered clubs.

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

Disposition of monies in liquor pools.

SECTION 1. Upon discontinuance of the use of scrip system, clubs now operating under the liquor pool scrip system must hold all monies in their respective liquor pools in trust for the purpose of redeeming any outstanding scrip until December 31, 1949; thereafter, any funds in the liquor pool of such clubs shall revert to the general fund of, and become the property of, such clubs.

Redemption of scrip.

SEC. 2. Such clubs, upon discontinuance of use of scrip, must redeem at face value, all scrip presented.

Clubs failing to obtain Class H license.

SEC. 3. The proceeds of unredeemed scrip of liquor pools of clubs formerly licensed under section 23-T which fail to obtain Class H licenses shall revert to the general funds of the state.

Script may be given to non-profit charitable organization.

SEC. 4. Any person owning outstanding scrip may turn it over to a non-profit charitable organization, and clubs shall redeem such scrip at the face value thereof and shall pay such value to the non-profit charitable organization.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 110.

[S. B. 32.]

STATE MEMORIALS—STATUE OF
DR. MARCUS WHITMAN.

AN ACT relating to state memorials, providing for the erection of a statue of Dr. Marcus Whitman in Statuary Hall at the national capitol.

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

SECTION 1. Dr. Marcus Whitman is designated as a deceased resident of national renown worthy of having a statue of himself erected in the Hall of Fame, also known as Statuary Hall, in the old hall of the House of Representatives at the national capitol to commemorate his fame and historic services as a great Washingtonian and a great American.

Statue of Dr. Marcus Whitman authorized.

SEC. 2. The Governor, the Lieutenant Governor, and Speaker of the House of Representatives of the State, and the chairman of the Washington State Development Committee of the Washington State Business and Professional Women's Clubs are appointed as a Committee to procure or provide such a statue of Dr. Marcus Whitman and have the same erected in said Hall of Fame.

Committee formed to provide statue.

SEC. 3. The Committee created by this act is hereby authorized to accept donations or gifts from groups, associations or individuals to carry out the provisions of this act.

Committee authorized to accept donations.

Passed the Senate March 9, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 111.

[S. B. 264.]

FIXING SALARIES OF APPOINTIVE STATE OFFICIALS.

AN ACT relating to state government; prescribing the compensation of certain state officers; amending section 1, chapter 224, Laws of 1937; and declaring an emergency.

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

Amendment. SECTION 1. Section 1, chapter 224, Laws of 1937 (sec. 10776-1, Rem. Rev. Stat. Supp.), is amended to read as follows:

Maximum salaries of appointive officials.

Section 1. The Directors of the several departments and members of the several boards and commissions, who are subject to appointment by the Governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the Governor upon the basis of official responsibility, not to exceed, however, the sum of ten thousand dollars per annum for the Director of Highways and the Director of Public Institutions and the sum of eighty-five hundred dollars per annum for the other Directors and members and the sum of seven thousand five hundred dollars for the Director of the Veterans' Rehabilitation Council.

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

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 112.

[S. B. 216.]

FISHERIES CODE.

AN ACT establishing a Fisheries Code for the preservation, protection, perpetuation and management of food fish and shellfish; providing for and creating a Department of Fisheries; regulating the taking and possession of food fish and shellfish; licensing appliances therefor; providing for license fees and charges; licensing all phases of the fishing industry; providing for the acquisition of land and rights in land; providing for the construction, maintenance and operation of fish hatcheries, rearing stations, laboratories, nurseries and other installations; providing for the appointment of a Director of Fisheries and designating his authority; providing for the propagation, protection and disposition of oyster beds in the State of Washington; regulating the entire food fish and shellfish industry of the state and offshore waters; repealing certain statutes; fixing penalties for the violation of this act, and declaring an emergency.

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

CHAPTER I.

DEFINITIONS.

SECTION 1. As used in this act or in any rule or regulation of the Director of Fisheries: Definitions

“Director” shall be construed as the Director of Fisheries. “Director.”

“Department” shall be construed as the Department of Fisheries. “Department.”

“Person” shall be construed to include any individual, any corporation, any government agency, or any group of two or more individuals acting together to forward a common purpose. “Person.”

“Fish” and its derivatives, “fishing,” “fished,” etc., shall be construed to include any means or effort made directly or indirectly to kill, injure, disturb, capture or catch any of the various species of food fish and shellfish. “Fish,”
“fishing,”
“fished,” etc.

“Food fish” and “shellfish” as referred to in this act shall be construed to include any and all species “Food fish”
and
“shellfish.”

of marine and fresh water life classified as such by statute or by the Director of Fisheries.

"Waters of the State."

"Waters of the State" shall be construed to include all waters within the territorial limits of the state.

"Offshore waters."

"Offshore waters" shall be construed to include the waters of the Pacific Ocean and the straits, bays, inlets, coves and estuaries thereof outside the territorial limits of the state.

"Personal use."

"Personal use"—The taking or possession of food fish or shellfish "for personal use" shall be construed to mean taking or fishing for food fish and shellfish by angling or by such other means and with such gear as the Director may authorize for fishing for personal use, or possessing the same for the use of the person fishing for, taking, or possessing the same and not for sale or barter.

"Commercial purposes."

"Commercial purposes"—The taking, fishing for, possession, processing, or otherwise dealing in or disposing of food fish and shellfish for "commercial purposes" shall be construed to mean taking or fishing for food fish with any gear unlawful for fishing for personal use, or taking or possessing the food fish and shellfish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish, shellfish, or parts thereof for profit, or by sale, barter, trade, or in commercial channels.

"Resident."

"Resident"—A "resident" shall be construed to mean a person who for the preceding ninety (90) days has maintained a permanent place of abode within the state with the intent to permanently reside within the state.

"Angling."

"Angling" shall be construed to mean fishing for personal use with one line attached to a pole held in hand while landing the fish, or with a hand operated line without rod or reel, to which may be

attached not to exceed two single hooks, or one artificial bait with no more than four multiple hooks.

"Salmon" shall be construed to include the sockeye, silver, chinook, chum, humpback salmon and the so called salmon trout, and each and every species of the genus oncorhynchus, commonly known as salmon.

"Salmon."

CHAPTER II.

ADMINISTRATION AND ENFORCEMENT.

SEC. 2. This act shall be known and may be cited as the "Fisheries Code of the State of Washington."

Title of act.

SEC. 3. There is hereby created a Department of Fisheries. It shall be the duty and purpose of the Department of Fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof.

Department of Fisheries created.

Duty and purpose.

SEC. 4. The Director of Fisheries shall have charge and general supervision of the Department, and shall have power to appoint, employ or deputize superintendents, inspectors, engineers, patrolmen and such clerical, technical, scientific and other assistants as may be necessary to carry on the general administration of the Department and effect the purposes of this act. Such personnel, except the assistant director, shall be employed on a basis of merit and in accordance with the rules and regulations of the State Personnel Board as established in section 42, chapter 35, Laws of 1945.

Director of Fisheries.

Employment of personnel.

Employment on basis of merit.

SEC. 5. The Governor of the state shall have the power and it shall be his duty to appoint the Director of Fisheries, who shall serve at the pleasure of the Governor.

Governor to appoint Director.

Eligibility
requirements
of Director.

No person shall be eligible to appointment as, or to hold the office of, Director of Fisheries, unless he has resided within the state for at least five years immediately preceding his appointment and has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith.

Powers and
duties of
Director.

SEC. 6. The Director shall have the power and it shall be his duty to investigate the habits, supply and economic use of, and to classify, the food fish and shellfish in the waters of the State of Washington and the offshore waters, and from time to time, make, adopt, amend and promulgate rules and regulations as follows:

Rules and
regulations.

(1) Specifying the times when the taking of any or all the various classes of food fish and shellfish is lawful or prohibited.

(2) Specifying and defining the areas, places and waters in which the taking and possession of the various classes of food fish and shellfish is lawful or prohibited.

(3) Specifying and defining the types and sizes of gear, appliances or other means that may be lawfully used in taking the various classes of food fish and shellfish, and specifying the times, places and manner in which it shall be lawful to possess or use the same.

(4) Regulating the possession, disposal and sale of food fish and shellfish within the state, whether acquired within or without the state, and specifying the times when the possession, disposal or sale of the various species of food fish or shellfish is prohibited.

(5) Regulating the prevention and suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish and shellfish.

(6) The fixing of the size, sex, numbers and amounts of the various classes of food fish and shellfish that may be taken, possessed, sold or disposed of.

(7) Regulating the landing of the various classes of food fish and shellfish or parts thereof within the state.

(8) Regulating the destruction of predatory seals and sea lions and other predators destructive of food fish or shellfish, and specifying the proof of the destruction of the same that shall be required.

(9) Specifying the statistical and biological reports that shall be required from licensed or non-licensed fishermen, dealers, boathouses, handlers, or processors of food fish and shellfish.

(10) Specifying which species of marine and freshwater life are food fish and shellfish.

(11) Classifying the species of food fish and shellfish or parts thereof that may be used for purposes other than human consumption.

(12) Promulgating such other rules and regulations as may be necessary to carry out the provisions of this act and the purposes and duties of the Department.

All rules and regulations of the Director, Acting Director or such person designated by the Director, and all amendments to, or modifications or revocations of existing rules and regulations shall be made and adopted by the Director and shall be promulgated by publication in a newspaper of general circulation published at the state capitol and shall take effect and be in force at the times specified therein.

Rules and regulations to be published

Rules and regulations of the Director shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the Director or Assistant Director certifying that the rule or regulation has been lawfully adopted, promulgated, and published, and the affidavit shall be prima facie evi-

Shall be evidence in courts.

dence of proper adoption, promulgation, and publication of the rule or regulation.

Territorial authority of Director.

The authority of the Director under the provisions of this act shall extend to all areas and waters within the territorial limits of the state and to the offshore waters; and the Director is hereby authorized under the provisions of this act to promulgate and publish regulations corresponding to the recommendations and regulations of the Pacific Marine Fisheries Commission, the International Fisheries Commission, and the International Pacific Salmon Fisheries Commission.

Licensed oyster farms excluded.

The provisions of subsections (1), (2), (3), (4), (6) and (7) inclusive shall not apply to licensed oyster farms or oysters produced thereon.

Powers and duties of Director.

SEC. 7. The Director shall have the power and it shall be his duty:

Fish hatcheries, rearing ponds, etc.

(1) To establish and maintain state fish hatcheries, rearing stations, cultural stations, eyeing stations, brood ponds, trap sites, buildings, dock and harbor facilities, food fish and shellfish sanctuaries, rights-of-way, and such other installations and facilities as in his judgment may be necessary for the exercise of the powers and discharge of the duties of the Director and the Department.

Lands, water rights and rights-of-way.

(2) To select and acquire by gift or easement, or whenever funds are appropriated for such purpose, by purchase, lease, or condemnation brought in the name of the state, and by any other lawful means at his disposal, such lands, water rights, and rights-of-way, and to construct all necessary facilities thereon, as may be necessary for the exercise of the powers and discharge of the duties of the Department; and he shall have authority to sell, lease, convey or grant concessions upon any property, real or personal, heretofore or hereafter acquired for the state and under the control of the Department.

(3) To purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the off-shore waters in the enforcement of this act and the regulations of the Director.

Boats,
vehicles, and
aircraft.

(4) To examine all oyster reserves and to do or cause to be done such things as may be deemed advisable to conserve, protect, and develop said reserves.

Oyster
reserves.

(5) To examine the clam, mussel and oyster beds located on lands belonging to the state, and with the approval of the State Commissioner of Public Lands, to withdraw such lands from sale and lease and make reserves or public beaches thereof; to take such steps as are advisable for the conservation, protection and development of such reserves; also to do those things that may be necessary for the protection and development of the oyster, shrimp, clam and mussel beds on state lands or lands under the jurisdiction of the state.

Clam, mussel
and oyster
beds on
State lands.

(6) To make an annual report on or before the 1st day of June of each year to the Governor, containing a detailed statement of his actions under this act, of the operation and result of the laws pertaining to the fish and shellfish industry, the method of taking fish and shellfish, the number of fish and shellfish propagated, and full and complete statistics of the fishing business, and suggestions as to needed legislation whenever he shall deem it necessary.

Annual
report to
Governor.

(7) To devote his time to the duties of his office and to enforce the laws and regulations of the Director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.

Enforcement
of rules and
regulations.

SEC. 8. The Director shall have authority to require that brands, tags or other devices be placed upon or attached to all food fish and shellfish sold from private hatcheries or Indian reservations, and to designate such brands, tags or devices. and the

Tags on fish
and shellfish
sold from
private
hatcheries
and Indian
reservations.

Fees for tags. Director shall be authorized to charge a fee for such tags.

Administra-
tion of oaths. SEC. 9. The Director, or those authorized by him, may administer oaths in any matter connected with the duties of his office, and may require any report, statement or application made or submitted to the Department to be made under oath.

Designation
of mouths
and fishing
limits of
rivers and
streams. SEC. 10. The Director is hereby authorized to designate the mouths and fishing limits of all rivers and streams, or other fishing areas by driving piling or by establishing monuments or by description of land marks or section lines, and his designation shall be final.

Surety
bonds for
employees. SEC. 11. Each employee of the Department if required by the Director, shall give a bond to the state with a surety company authorized to do business in this state as surety in the sum of two thousand dollars (\$2,000) conditioned for the faithful performance of his duties, the cost of bond to be paid by the state.

May relieve
disabled
employees
from active
duty. SEC. 12. The Director shall, and he is hereby authorized to, relieve from active duty Department employees who, while in the performance of their official duties, have been injured or may hereafter be injured to such an extent as to be incapable of active service. Such employees shall receive one-half (1/2) of their compensation at the existing wage, during the time such disability continues in effect, less any compensation received through the Department of Labor and Industries. They shall be subject to mental or physical examination under the direction of the Director at any time during their retirement from active duty for the purpose of ascertaining whether or not they are able to resume active duty.

Disability
compensa-
tion.

Mental and
physical
examina-
tions.

SEC. 13. The Director and his duly authorized and acting assistants, fisheries inspectors, deputy

fisheries inspectors, and Department employees may, in the course of their duties, enter upon any land or waters in this state and remain thereon with any necessary equipment while performing such duties, and such action by such persons shall not constitute trespass. It shall be lawful for any aircraft operated by the Department to land and take off from any of the beaches or waters of the state and it shall be unlawful for any person to interfere with the operation of such aircraft.

Actions of Department employees not a trespass.

Aircraft may land on any beach or waters.

SEC. 14. Every person who intentionally gives false or misleading information to the Department as to the time, area, or waters in which any food fish or shellfish were taken or who shall intentionally prepare and submit a false or misleading report to the Department shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Penalties for giving false information to Department.

SEC. 15. It shall be unlawful for any person to destroy, tear down, shoot at, deface, or erase any printed matter or signs placed or posted by or under the instructions of the Director.

Mutilation of Departmental signs.

SEC. 16. No person shall print or cause to be printed a booklet or pamphlet of the fisheries laws or regulations of the Director or portions thereof without the approval of the Director.

Approval of pamphlets of fishing laws.

SEC. 17. Any person deputized by the Director to issue fishing licenses may charge the sum of twenty-five cents (25¢) in addition to collecting the fee prescribed by law, for issuing each such license, which shall be retained by him for his services.

Fee for service of issuing license.

SEC. 18. It shall be unlawful for any person engaged in the fishing industry or licensed under the

Failure to make required reports.

provisions of this act to fail to make any report or return required of him by the fisheries code or by the Director.

Inspection and search without warrant.

SEC. 19. The Director and any fisheries inspector or deputy inspector shall have the power to inspect and search without warrant, any person, boat, fishing appliance, cannery, and any property used in catching, packing, curing, preparing or storing of food fish or shellfish, or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel or other place, except any private domicile used exclusively as such, or any quarters in any boat, building or other property used exclusively as a private domicile, where he has reason to believe that food fish or shellfish are kept for sale, barter, or other purpose, and which he has reason to believe contain evidence of violations of the fisheries code or of any rule, regulation or order made by the Director and any hindrance or interference with any such officer while engaged in making such search shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this act. Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has been unlawfully caught, taken or killed or which is unlawfully possessed in violation of the provisions of the fisheries code or of any order, rule or regulation made by the Director and the same shall be confiscated to the state.

Private domicile excepted.

Interference prima facie evidence of guilt.

Seizure of unlawfully caught fish and shellfish.

Confiscation to state.

Arrest without writ or order of process.

SEC. 20. The Director, and any fisheries inspector, or deputy fisheries inspector, shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this act, or any of the rules, regulations, or orders made by the Director, and they are hereby made peace officers. If any person knowingly or willfully resists or opposes such officer in the discharge of his duties

Director and fisheries inspectors are peace officers.

or aids and abets such resistance or opposition, he shall be guilty of a gross misdemeanor and shall be fined not less than two hundred and fifty dollars (\$250).

Penalty for resisting officers.

SEC. 21. The Director, all fisheries inspectors, and all deputy fisheries inspectors may serve and execute all warrants and processes issued by the courts in enforcing the provisions of law and all rules and regulations of the Director pertaining to food fish and shellfish.

Service and execution of court warrants and processes.

For the purpose of enforcing any such law or rule or regulation, they may call to their aid any necessary equipment, boat or vehicle or airplane or any sheriff, deputy sheriff, game protector, constable, police officer, or citizen, and any such person shall render such aid.

Aid in enforcement.

SEC. 22. Every fisheries inspector, deputy fisheries inspector, game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and all rules and regulations adopted by the Director for the protection of food fish and shellfish, and the police officers specified, and United States game wardens, any forest officer appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex-officio deputy fisheries inspectors within their respective jurisdictions.

Certain officers are ex-officio deputy fisheries inspectors.

SEC. 23. Any Court having jurisdiction, upon complaint showing probable cause for believing that any food fish or shellfish, or any parts thereof, caught, taken, killed, or had in possession or under control by any person, or shipped or transported contrary to law or rule or regulation of the Director, are concealed or kept in any place, shall issue a search warrant and cause a search to be made in any such place for any food fish or shellfish or any parts

Issuance of search warrants.

thereof and may cause any place or container to be entered and searched.

Attorney
General may
file
information.

SEC. 24. If any person violates any of the provisions of this act or any regulation of the Director, and the Prosecuting Attorney of the county wherein such violation occurs shall, after information has been given him by the Director, refuse or neglect within thirty (30) days thereafter to file an information against such alleged violator, the Attorney General, when requested by the Director, may file an information in the Superior Court of said county in the place and stead of said Prosecuting Attorney and prosecute the case.

Disposition
of moneys
collected.

SEC. 25. All license fees, taxes, fines and moneys realized from the sale of property seized or confiscated under the provisions of this act, and all bail moneys forfeited under prosecutions instituted under the provisions of this act, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the Department, and all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: *Provided*, That fifty per cent (50%) of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected. All fines collected shall be remitted monthly by the Justice of the Peace or by the Clerk of the Court collecting the same to the County Treasurer of the county in which the same shall be collected, and the County Treasurer shall at least once a month remit fifty per cent (50%) of the same to the State Treasurer and at the same time shall furnish a statement to the Director showing the amount of fines so remitted and from whom collected.

SEC. 26. All appropriations for the Department, and the Fisheries Division of the State Treasurer and all claims against those departments, shall be paid from the General Fund.

Departmental appropriations.

The Director shall make weekly remittances to the State Treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. A duplicate of this statement shall be sent to the State Auditor.

Remittances to State Treasurer.

SEC. 27. All expenses incurred under the provisions of this act shall be audited by the State Auditor, upon bills presented, properly certified by the Director, or his duly authorized assistant, and the said Auditor shall draw warrants upon the State Treasurer for the amount.

Expenses incurred under act.

CHAPTER III.

CONSERVATION AND PROPAGATION.

SEC. 28. It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the State of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Catching and taking salmon for commercial purposes.

Commencing at a concrete monument on Angeles Point in Clallam County, State of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude $48^{\circ} 9' 3''$ north, longitude $123^{\circ} 33' 01''$ west of Greenwich Meridian; thence running east on a line $81^{\circ} 30'$ true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude $122^{\circ} 40'$ west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to

Description of territorial limits.

the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: *Provided however*, That, subject to such seasons and regulations as may be established from time to time by the Director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six (6) hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the Director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the fifth day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock P. M. of Friday and ending at 4:00 o'clock A. M. of the Sunday following.

Use of gill and round haul nets and troll lines lawful.

Dates for fishing season.

Addition fishing season in certain area.

And provided further, That subject to such regulations and to such shorter seasons as the Director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line

commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.

Description of area.

SEC. 29. It shall be unlawful to construct, install, use, operate, or maintain gill nets which shall exceed 250 fathoms in length in the waters of the Columbia River in this state for the purpose of catching salmon.

Size of gill nets used in Columbia River.

SEC. 30. It shall be unlawful to construct, install, use, operate, or maintain any drag seine in the waters of the Columbia River in the state for the purpose of taking salmon, and it shall be unlawful to take salmon with such gear.

Use of drag seine in Columbia River unlawful.

SEC. 31. It shall be unlawful to construct, install, use, operate or maintain within any waters of the state any pound net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, and it shall be unlawful to take salmon by any such means.

Unlawful salmon taking devices.

SEC. 32. It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substance of any kind, character or description except under permit of the Director.

Use of explosives unlawful.

SEC. 33. It shall be unlawful to take from any building, vehicle, scow, live-box, container, trap, seine, line or net, any caught or impounded fish or shellfish with the intent of depriving the rightful owner of such food fish or shellfish and it shall be unlawful to wilfully steal or otherwise molest any of the fishing or shellfishing gear operated under a license from the state. Any person violating the provisions of this section shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than two hundred and fifty dollars (\$250).

Unlawful taking of fish and fishing gear.

Penalty for violations.

Possession of unlawfully procured fish and shellfish.

SEC. 34. It shall be unlawful for any person to purchase, handle, deal in, sell, or have in his possession any food fish or shellfish which were taken from any of the waters of this state contrary to the provisions of the Fisheries Code or the regulations of the Director.

Possession must be for human consumption or bait.

SEC. 35. It shall be unlawful to take or fish for or have in possession any food fish or shellfish of any kind, character or description, or parts thereof, unless the same are to be used for human consumption or bait: *Provided*, That the Director 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 taking, possession, sale or use of any species of food fish or shellfish or parts thereof for uses other than human consumption and bait.

Waste or destruction of food fish and shellfish.

SEC. 36. It shall be unlawful for any person to wantonly waste or destroy food fish or shellfish taken or caught in any of the waters of the state, or the offshore waters, and no person engaged in the canning, preserving or curing of food fish and shellfish shall purchase or engage a greater quantity than he is able to can, preserve or cure within sixty (60) hours after the same are taken from the water, unless such food fish or shellfish have been kept artificially chilled and in good marketable condition.

Catching food fish within one mile below rack or dam.

SEC. 37. It shall be unlawful to catch, kill or in any manner menace, maim or destroy, any food fish at any rack, dam or other obstruction or in the waters and on the beaches within one mile below any rack, dam or other obstruction when the same are within the territorial limits of the State of Washington or in waters of the Columbia River over which this state has concurrent jurisdiction, unless otherwise specified in the orders of the Director.

SEC. 38. Unless otherwise provided for in the regulations of the Director, it shall be unlawful to shoot, gaff, snag, snare, spear, stone or otherwise molest any food fish or shellfish in any of the waters of the state.

Unlawful to shoot, gaff, etc.

SEC. 39. It shall be unlawful for any person to fish for, take, injure, kill or molest any fish in any fishway or fish ladder, fish screens, or other protective devices, or to interfere in any manner whatsoever with the proper operation of any fishway, fish ladder, fish screens or other protective devices.

Taking or molesting fish in fish ladders or screens.

SEC. 40. It shall be unlawful to liberate, release, implant, transplant or place food fish of any kind or description in any stream, river, pond, lake, or other waters of the state, either fresh or salt, without first obtaining the written consent of the Director.

Placing food fish in rivers, lakes or ponds.

SEC. 41. The Director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character or description from any waters or beaches of the state.

Director may remove fish or shellfish from waters.

SEC. 42. It shall be unlawful for any person or government agency whatsoever, save the Director and those authorized by him, to take food fish or shellfish for propagation or scientific purposes within the waters of this state. The Director or those authorized by him may take salmon or other food fish or shellfish for public propagation or scientific purposes under such regulations as the Director may prescribe to safeguard the interests of the fisheries of this state.

Taking of food fish or shellfish for propagation or scientific purposes.

SEC. 43. The Director shall have general supervision of the prevention of the spread and suppression of infectious, contagious and communicable diseases and pests affecting food fish or shellfish, and shall have the power to prohibit the transportation

Control of diseases of food fish and shellfish.

or transplanting within the state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state of any food fish or shellfish, or any material, organism, boats, scows, gear, or other equipment whatsoever which in his judgment may transmit any infectious or contagious disease or pests communicable to any food fish or shellfish. The Director shall have the power to make and enforce rules and regulations to prevent the spread, and effect the suppression of all infectious, contagious, dangerous and communicable diseases and pests affecting food fish or shellfish.

Director may make rules and regulations.

Destruction of fish predators.

Authority to make expenditures for purposes.

Record of seals and sea lions destroyed.

Bounties.

SEC. 44. The Director shall have the authority and it shall be his duty to cause his employees and hunters employed for the purpose, to kill and destroy seals and sea lions and other fish predators in the waters of the state and the offshore waters. He shall have the authority to expend such moneys as may from time to time be appropriated by the Legislature for such purposes and he is hereby authorized to expend such moneys as may be necessary to administer this act and to purchase firearms, ammunition, dynamite and other materials necessary to carry out the purposes hereof. He shall keep as nearly as possible an accurate record of the number of seals and sea lions that are so destroyed. Any person other than an employee of the Department killing or causing to be killed in the waters of the state, any common seal or sea lion shall be entitled to receive a bounty of not less than three dollars (\$3) nor more than ten dollars (\$10), the amount to be designated by the Director, from any moneys which may be appropriated by the Legislature for the purposes of this act. All moneys appropriated for such purposes by the Legislature of the state shall be expended under the direction of and upon vouchers approved by the Director, who shall adopt rules and regula-

tions providing for the proof of such killing and the surrender and destruction of the scalp, snout, or tail of such seal or sea lion. Any person who shall receive, or attempt to receive, any bounty for the killing of any common seal or sea lion not taken in the waters of the State of Washington shall be guilty of a gross misdemeanor and shall pay a fine of not less than two hundred and fifty dollars (\$250).

Proof of killing.

Penalty for false representation.

SEC. 45. Every ditch, channel, canal or water-pipe used for conducting water from any lake, river or stream, for irrigation, manufacturing, domestic or other purposes, shall be provided at its entrance or intake with a fish guard so fixed as to prevent the passage of fish into such ditch, channel or water-pipe and subject to the approval of the Director, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water-pipe: *Provided*, That such fish guards and screens shall be installed at such places and times as shall be prescribed by the Director upon thirty days' notice to the owner or owners of any such water conduit. Every owner, manager, agent or person in charge of such ditch, channel, canal or water-pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Fish guards on conduit intakes.

Notice to owners of conduits for installation of guards.

Penalty for failure to comply.

Each day the end of the ditch, channel, canal or water-pipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water-pipe such person shall fail to do so, the Director is hereby authorized to take possession of the same in the name of the State of Washington, and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water-pipe and upon the real and personal property of the person owning the same. Notice of

Each day a separate offense.

Director may close intake for failure to comply.

Lien for expense.

Notice of
lien.

such lien shall be filed and recorded in the office of the County Auditor in the county in which such action is taken.

Sufficient
flow of water
to be main-
tained in
streams to
support fish.

SEC. 46. It is hereby declared to be the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

Notice of
application
for permit to
divert water.

The Supervisor of Hydraulics shall give the Director of Fisheries and the Director of Game notice of each application for a permit to divert water, or other hydraulic permit of any nature, and the Director of Fisheries and Director of Game shall have thirty (30) days after receiving said notice in which to state their objections to the application, and the permit shall not be issued until the thirty (30) days period provided for herein has elapsed.

Objections to
application.

Refusal of
application
for permit.

The Supervisor of Hydraulics may refuse to issue any permit to divert water, or any hydraulic permit of any nature, if, in the opinion of the Director of Fisheries or Director of Game, such a permit might result in lowering the flow of water in any stream below the flow necessary to adequately support food fish and game fish populations in the stream.

Existing
water rights
not affected.

The provisions of this section shall in no way affect existing water rights.

Dams and
obstructions
shall have
fishway.

SEC. 47. Every dam or other obstruction across or in any stream shall be provided with a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the Director may approve, for which plans and specification shall be furnished by the Director upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty for
failure to
comply.

If any person or government agency shall fail to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the Director, then within thirty (30) days after written notice thereof shall have been served upon the owner, his agent or the person in charge thereof, the Director may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or government agency owning the same. Notice of such lien shall be filed and recorded in the office of the County Auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the state.

Failure to provide fishway.

Written notice.

Director may construct fishway.

Cost of fishway shall be lien on dam.

Notice of lien shall be filed.

Foreclosure.

If any person or government agency shall fail to make any such fishway or remove such dam or obstruction in a manner satisfactory to the Director, then within thirty (30) days after written notice thereof shall have been served on the owner, his agent, or the person in charge, such dam or obstruction shall thereby become a public nuisance and the Director may take possession of same in his own name or in the name of the state and destroy same and no liability shall attach for such destruction.

Dam or obstruction a public nuisance.

State may destroy.

SEC. 48. In the event that any person or government agency desires to construct or maintain a dam or other hydraulic [hydraulic] work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the Director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work shall at the option of the Director (1) convey to the state a site or sites of a size and dimensions satisfactory to the Director, at such place as may be selected by the Director,

Dam or hydraulic works where fishway impractical.

Conveyance of land to state and construction of hatchery.

Director to approve plans and specifications.

Bond required.

Payment of moneys to expand existing hatcheries.

Decisions of Director reviewable in Superior Court.

Penalty for violations.

Each day of violation a separate offense.

Hydraulic projects affecting natural flow.

Submission of plans and specifications.

and erect thereon a fish hatchery or fish hatcheries, rearing ponds and other buildings according to plans and specifications to be furnished by said person or government agency subject to the approval of the Director and enter into an agreement with the Director secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery or hatcheries and rearing ponds or (2) enter into an agreement with the Director secured by good and sufficient bond to pay to the state such initial money and make such annual payments of additional money to the state as the Director may determine are necessary to expand, maintain and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work. Any decision of the Director hereunder shall be subject to review in the Superior Court of the state for Thurston County. Any person or government agency who shall fail to comply with the provisions of this act shall be guilty of a gross misdemeanor and each day that such person or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this act shall constitute a separate offense.

Sec. 49. In the event that any person or government agency desires to construct any form of hydraulic project or other project that will use, divert, obstruct or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the Department of Fisheries and the Department of Game full plans and specifications of the proposed construction or work, complete plans and specifi-

cations for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence and shall secure the written approval of the Director of Fisheries and the Director of Game as to the adequacy of the means outlined for the protection of fishlife in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person or government agency shall commence construction on any such works or projects without first providing plans and specifications subject to the approval of the Director of Fisheries and the Director of Game for the proper protection of fish life in connection therewith and without first having obtained written approval of the Director of Fisheries and the Director of Game as to the adequacy of such plans and specifications submitted for the protection of fish life, he shall be guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this act and continues construction on any such works or projects without fully complying with the provisions of this act, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

Written approval of Directors of Fisheries and Game.

Penalty for violations.

Public nuisance.

Abatement.

Provided, however, That in case of an emergency arising from weather or stream flow conditions the Department of Fisheries or Department of Game, through their authorized representatives, shall issue oral permits to a riparian owner for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Oral permits in emergencies.

SEC. 50. It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any fish ladder, fish guard, screen,

Interference with fish protecting devices of Department.

fish stop, fish protective device, by-pass, or part thereof, or any fish trap operated by the Department.

Accepting of moneys and real property for fisheries purposes authorized.

SEC. 51. The Director is authorized to accept money or real property from the United States, counties, municipalities or other governmental units, or from any person, under conditions requiring the use of such property or money for specific purposes in furtherance of the protection, rehabilitation, preservation or conservation of the state food fish and shellfish resources or with the advice of the Attorney General, in settlement of any claim for damages to such food fish and shellfish resources. Any real property so accepted must be useful for the protection, rehabilitation, preservation or conservation of such fisheries resources.

Director is agent of state to accept funds.

The Director is hereby designated the agent of the state to accept and receive all such funds and deposit them with the State Treasurer who shall credit them to the contingent receipts fund created by chapter 243, Laws of 1945.

Statement of facts submitted to Governor.

Whenever any money has been received and is to be spent for a specific purpose, the Director shall submit to the Governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended.

Governor shall approve and authorize expenditure of funds.

If the Governor shall approve such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the Director authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in

Limitation on expenditures.

Funds from settlement of claims for damages.

that event such funds so received may be expended for the protection, rehabilitation, preservation, or conservation of such resources.

SEC. 52. (1) Consent of the state is hereby given to the United States for the continuance of present established fish cultural stations and laboratories located in this state; for the establishment of one or more additional fish cultural stations, sub-stations or laboratories to be constructed, maintained and operated by the United States or the state, under the terms of agreements to be entered into between the United States and the Director and the State Game Commission: *Provided*, That this consent shall be effective as to additional establishments only when the location of such additional establishments has been approved in advance by the Director and the State Game Commission. The Secretary of the Interior, and his duly authorized agents are hereby accorded the right to conduct scientific investigations, fish hatching and fish cultural stations and all operations connected therewith at any and all times and in any manner that may by the Secretary be considered necessary and proper, in accordance with the provisions of certain acts of Congress entitled "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, and the provisions of the act of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof, at presently established stations and laboratories and at additional establishments when approval of the location of any such additional establishment has been given as provided in this section.

Consent of State to United States to continue present and establish future fisheries facilities.

Agreements for future facilities.

Location to be approved by Director.

Secretary of Interior granted certain rights.

Contracts with United States concerning fisheries facilities in Columbia River basin.

(2) The Director and the State Game Commission are hereby authorized to enter into agreements with the United States for the construction and installation of fish cultural stations, laboratories and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions, in accordance with the Act of Congress of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof.

Acquisition of lands for construction and improvement by United States.

(3) The Director and the State Game Commission may acquire by gift, purchase, lease, easement or condemnation the necessary title to, interest therein, rights of way over or licenses covering the use of lands where such construction or improvement is to be carried on by the United States.

Acceptance of Federal funds for fisheries purposes in Columbia River basin.

(4) The Director and the State Game Commission are hereby authorized to receive funds from the Federal government for the construction, maintenance and operation of fish cultural stations, substations, laboratory or fish conservation devices or for any other purpose deemed necessary by the Director or the State Game Commission for the rehabilitation and conservation of the fisheries resources of the Columbia River basin.

Operation of completed fisheries facilities.

(5) After the construction and installation of any such fish cultural station, sub-station, laboratory or fish conservation devices, the Department or the State Game Commission may maintain and operate the same in accordance with the terms of the agreement entered into with the United States in regard thereto.

SEC. 53. The Director shall have the power to enter into contracts and agreements with the United States, or any state or territory thereof, or with any foreign government, or with any person, for the purpose of securing food fish or shellfish or eggs of same, and for the erection and maintenance of eyeing stations, fish or shellfish hatcheries, rearing ponds and other appliances or installations for the propagation of fish or shellfish within or without the territorial limits of the state; and the Director shall have the power, and it shall be his duty to execute and carry out any such contracts or agreements.

Director may make contracts for purpose of propagating fish and shellfish.

CHAPTER IV. SHELLFISH.

SEC. 54. The following named areas constitute the existing oyster reserves of the state, said reserves being more completely described in maps and plats on file in the office of the Commissioner of Public Lands and in the office of the Auditor of the county in which the reserve is located:

State oyster reserves.

PUGET SOUND OYSTER RESERVES:

(a) Totten Inlet reserves (sometimes known as Oyster Bay reserves), located in Totten Inlet, Thurston County;

Puget Sound oyster reserves.

(b) Eld Inlet reserves (sometimes known as Mud Bay reserves), located in Mud Bay, Thurston County;

(c) Oakland Bay reserves, located in Oakland Bay, Mason County;

(d) North Bay reserves (sometimes known as Case Inlet reserves), located in Case Inlet, Mason County.

WILLAPA HARBOR OYSTER RESERVES:

(a) Nemah reserve, south and west sides of reserve located along Nemah River Channel, Pacific County;

Willapa Harbor oyster reserves.

(b) Long Island reserve, located at south end and along west side of Long Island, Willapa Harbor, Pacific County;

(c) Long Island Slough reserve, located at south end and along east side of Long Island, Willapa Harbor, Pacific County;

(d) Bay Center reserve, located in the Palix River Channel, extending from Palix River bridge to beyond Bay Center to north of Goose Point, Willapa Harbor, Pacific County;

(e) Willapa River reserve, located in the Willapa River Channel extending west and up-river from a point approximately one-quarter ($\frac{1}{4}$) mile from the blinker light marking the division of Willapa River channel and the North River Channel, Willapa Harbor, Pacific County.

Sale, lease
or disposal
of oyster
reserves.

SEC. 55. The oyster reserves of the state shall not be sold, leased, or otherwise disposed of: *Provided, however,* That in event the Director recommends the sale, lease, or disposal of any of the reserves, or parts thereof, the same may be sold, leased, or disposed of by the Land Commissioner in the manner provided by law for the sale, lease, or disposal of state land.

Policy of
state in
regard to
oyster
reserves.

SEC. 56. It is hereby declared to be the policy of the state to improve the oyster reserves of the state to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment, and, in fixing the price at which oysters and other shellfish shall be sold from the reserves, the Director shall take into consideration such policy; and it is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a supply of shellfish to growers and processors and for the stocking of public beaches.

Duties of
Director.

It shall be the duty of the Director to protect all reserves, re-seed, re-plant, issue cultch permits and

do such other things as in his judgment are necessary for their care and protection.

SEC. 57. The Director shall have the power to determine whether the oysters and other shellfish from the oyster reserves of the state (a) shall be sold by the bushel at a price set by such Director or (b) whether certain quantities or all of such oysters and other shellfish should be sold for cash at public auction or by sealed bids in such amounts as the Director shall from time to time determine. To maintain the permanency of local communities and industries, the prospects of fulfillment of contract requirement, and to restrain monopolistic controls endangering competition in the industry, the Director shall have the power to determine the number of bushels which shall be sold to any person, firm or corporation; and when sold at public auction, the right to reject any and all bids.

Sale of oysters from state reserves.

The Director shall have the power to determine the time, place, and manner of holding the auctions and sales provided for in this section.

Time, place and manner of holding sales and auctions.

SEC. 58. As soon as an appropriation is made therefor, the Director shall erect monuments, establishing the boundaries of the several oyster reserves in the state.

Erection of monuments establishing boundaries of reserves.

SEC. 59. The Director shall have the power to determine and designate areas in which infection or infestation of shellfish is present. These shall be called "restricted shellfish areas." No person shall transplant any shellfish within such restricted areas nor transport any shellfish, or any material, or organism, or boats, scows, or other equipment used in taking, handling or processing shellfish into or out of such restricted areas without first having obtained a permit from the Director.

Infected and infested shellfish.

"Restricted shellfish areas."

SEC. 60. It shall be unlawful to take shellfish from the oyster reserves of the state except as authorized by the Director.

Taking of shellfish from reserves.

Destruction of culled oysters and clams.

SEC. 61. It shall be unlawful for any person to destroy oysters or clams taken from their natural beds, by assorting or culling them on land or shore and leaving the culled oysters or clams there to die; but in all cases the culled oysters or clams must be returned to their natural beds, or to the private beds for cultivation; and if any person shall offend against the provisions of this section, or in any way wantonly destroy the oysters or clams, he shall be guilty of a gross misdemeanor.

Penalty for violation.

Unlawful taking of oysters and clams from reserves.

SEC. 62. If any person shall take oysters or clams from any of the state oyster reserves or any tideland under the jurisdiction of the State of Washington, contrary to statutes or orders of the director, or shall go upon said oyster or clam land and rake up, or otherwise prepare oysters or clams to facilitate the taking of same, he shall be guilty of a gross misdemeanor, and any oyster or clam taking appliance such as boats, dredges, motor vehicles or other appliances used in violation of this act or any of the orders of the Director may be seized by the Director and same shall be confiscated by the state.

Penalty for violations.

Appliances confiscated by state.

CHAPTER V.

LICENSES AND TAXES.

Qualifications for licenses.

SEC. 63. No license provided for in this act shall be issued to any person who is not a citizen of the United States, or who has not in good faith declared his intentions of becoming a citizen of the United States, or who is not of the age of 16 years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That all gear licenses, personal licenses, and boat licenses issued by the State of Oregon shall be recognized by this state as valid in the concurrent waters of the Columbia River.

Oregon licenses recognized on Columbia River.

SEC. 64. All licenses required under the provisions of this act shall expire at the close of the thirty-first

day of March following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this act.

Expiration date of licenses and renewals.

SEC. 65. Licenses herein required shall be issued to any qualified person by the Director, upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose, accompanied by the required fee. The Director shall make weekly remittances of the fees collected to the State Treasurer.

Issuance of licenses.

Fee remitted to State Treasurer.

SEC. 66. A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any fish or shellfish from the waters or beaches of the state for commercial purposes, or who brings or assists in bringing any food fish or shellfish into the state for commercial purposes after having taken such food fish or shellfish in the offshore waters. The fee for such license shall be five dollars (\$5) per annum. The personal license shall be carried on the person whenever such person is engaged in the taking, landing or selling or any fish or shellfish: *Provided however*, That this section shall not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license.

Personal commercial fishing license.

Fee.

License shall be carried on person.

Exception.

SEC. 67. A fishing guide license shall be obtained by every person acting as a professional guide for hire for others in the taking of food fish or shellfish from the waters or beaches of the state. The fee for such license shall be ten dollars (\$10) per annum for residents of the state and fifty dollars (\$50) per annum for non-residents.

Fishing guide license.

Fee.

SEC. 68. A license shall be required for each and every commercial vessel which delivers or lands fish or shellfish within the state, for which license there shall be paid a fee of five dollars (\$5) per annum: *Provided*, That nothing in this section shall apply to vessels operated by any person having an oyster or

Commercial fishing vessel license.

Fee.

Exception.

clam farmer's license and used exclusively for that purpose.

Contents of annual application for license.

Each annual application for a commercial fishing vessel license shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such information as may be required by the Department.

Certificate of registration and license plates.

At the time of issuance of such license the Director shall furnish each applicant with a certificate of registration and two license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall not be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward.

Not transferable.

License plates shall be displayed.

Change in name, ownership or operator shall be reported.

Registrants shall report immediately any change of name, ownership or operator of the vessel. Defaced, mutilated or lost license plates shall be replaced immediately and a fee of two dollars (\$2) shall be charged for such new plates.

Lost license plates.

License for hand lines or jiggers.

SEC. 69. (1) A license shall be required for hand lines or jiggers used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five (\$25) per annum by non-residents: *Provided*, That not more than three (3) hooks shall be attached to any one hand line or jigger used for commercial purposes. Each license shall entitle the licensee to use two (2) or less hand lines or jiggers.

Fees.

License for set lines.

(2) A license shall be required for each and every set line used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dol-

Fees.

lars (\$50) per annum by non-residents: *Provided*, That not more than five hundred (500) hooks may be attached to any one set line.

(3) A license shall be required for troll lines used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents. Each license shall entitle the licensee to use six (6) or less troll lines.

License for commercial troll lines.

Fees.

(4) A license shall be required for each and every gill net or pole net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

License for gill and pole nets.

Fees.

(5) A license shall be required for each three hundred (300) fathoms or less of set nets used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

License for set nets.

Fees.

(6) A license shall be required for each and every dip bag net used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents.

License for dip bag nets.

Fees.

(7) A license shall be required for each and every drag seine, beach seine, or drag bag seine used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents: *Provided*, That there shall be paid an additional fee of three cents (3¢) by residents and fifteen cents (15¢) by non-residents for each foot by which any such seine exceeds three hundred (300) feet in length.

License for drag, beach, and drag bag seines.

Fees.

License for lampara or round haul nets.

Fee.

(8) A license shall be required for each and every lampara or round haul net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum.

License for purse seines.

Fee.

(9) A license shall be required for each and every purse seine used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifty dollars (\$50) per annum.

License for beam trawls.

Fees.

(10) A license shall be required for each and every beam trawl used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum by residents and one hundred and twenty-five dollars (\$125) per annum by non-residents.

License for otter trawls.

Fees.

(11) A license shall be required for each and every otter trawl used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum by residents and one hundred and twenty-five dollars (\$125) per annum by non-residents.

License for reef nets.

Fees.

(12) A license shall be required for each and every reef net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars (\$15) per annum by residents and seventy-five dollars (\$75) per annum by non-residents.

License for fyke nets.

Fees.

(13) A license shall be required for each and every fyke net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

License for brush weirs.

Fees.

(14) A license shall be required for each and every brush weir used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifty dollars (\$50) per

annum by residents and two hundred and fifty dollars (\$250) per annum by non-residents.

(15) A license shall be required for ring nets used in the taking of or fishing for food fish or shellfish within the state. License for ring nets

For a license for twenty-five (25) ring nets or less there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents, and for each ring net in excess of twenty-five (25) there shall be paid an additional fee of ten cents (10¢) per annum by residents and one dollar and twenty-five cents (\$1.25) by non-residents. Fees.

(16) A license shall be required for bottom fish pots used in the taking of or fishing for food fish within the state. License for bottom fish pots.

For a license for one hundred (100) bottom fish pots or less there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents, and for each bottom fish pot in excess of one hundred (100) there shall be paid an additional fee of ten cents (10¢) per annum by residents and fifty cents (50¢) by non-residents. Fees.

(17) A license shall be required for shellfish pots used in the taking of or fishing for shellfish within the state. License for shellfish pots.

For a license for one hundred (100) shellfish pots or less there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents, and for each shellfish pot in excess of one hundred (100) there shall be paid an additional fee of ten cents (10¢) per annum by residents and fifty cents (50¢) by non-residents. Fees.

SEC. 70. A license shall be required for each and every clam or oyster farm being operated for commercial purposes on privately owned or leased tide-lands in the state, for which license there shall be paid a fee of ten dollars (\$10) per annum. License for clam and oyster farms.
Fee.

Oyster re-
serve license.

Fee.

SEC. 71. An oyster reserve license shall be required of any person taking shellfish from the reserves of this state. The fee for such license shall be ten dollars (\$10) per annum.

Wholesale
fish dealer's
license.

Fee.

SEC. 72. (1) A wholesale fish dealer's license shall be required for any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or otherwise involving the dealing in or curing of any food fish or shellfish or any wholesale selling of food fish and shellfish, and for any fisherman selling his catch direct to retail fish dealers. The fee for said license shall be twenty-five dollars (\$25) per annum.

Retail fish
dealer's
license.

Fee.

(2) A retail fish dealer's license shall be required for any business in the state engaged in the selling of fresh, frozen, or cured food fish or shellfish directly to the consumer whether or not such business involves the taking or catching of such food fish or shellfish, and the fee for said license shall be five dollars (\$5) per annum: *Provided however*, That this section shall not apply to businesses primarily engaged in serving food fish or shellfish for consumption on the business premises.

Fish canning
license.

Fee.

(3) A fish canning license shall be required for any business in the state engaged in the canning of food fish and shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization, and the fee for said license shall be twenty-five dollars (\$25) per annum.

Fish by-
products
license.

Fee.

(4) A fish by-products license shall be required for any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait or other by-products from fish or shellfish and the fee for said license shall be twenty-five dollars (\$25) per annum.

Fish brok-
er's license.

(5) A fish broker's license shall be required for any business in the state engaged in the handling of

food fish and shellfish, whether fresh, frozen, canned or otherwise processed, for others or with others with whom such business has an interest, divisible or indivisible, for a fixed compensation or on a commission basis, or which involves the negotiating, bargaining and contracting with others relative to any such fish and with the custody of which any such business may not have any concern, and the fee for said license shall be twenty-five dollars (\$25) per annum. Fee.

(6) A fish buyer's license shall be obtained by every wholesaler, canner, by-products manufacturer, or broker for each and every fish buyer engaged as a representative in the state for such wholesaler, canner, by-products manufacturer or broker, and the fee for said license shall be five dollars (\$5) per annum. Fish buyer's license. Fee.

The term "fish buyer" as used in this section shall be interpreted to mean a buyer who ordinarily makes his purchases at a place or places other than his employers' business premises. "Fish buyer" defined.

(7) A boat house operator's license shall be required for any business engaged in the renting of boats to individuals for the purpose of taking or catching food fish or shellfish and the fee for said license shall be five dollars (\$5) per annum. Boat house operator's license. Fee.

(8) A branch license shall be required for each branch plant in the state of any retail, wholesale, canning, by-products manufacturing or boat house business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license shall be five dollars (\$5) per annum. Branch licenses. Fee.

SEC. 73. It shall be unlawful for any person to engage in any phase of the fishing industry, or to operate any fishing gear known as or classified as Unlawful to engage in fishing activities without license.

commercial fishing gear by the Director, or to fish for, take, deliver or land any fish in the state, whether taken from waters within or without the jurisdiction of the state, without first obtaining and having in possession such licenses as are herein specified.

Penalty for violation.

Any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25).

Fishing gear licenses not transferable.

SEC. 74. All fishing gear licenses issued under the provisions of this act shall be non-transferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. All licenses for fishing gear issued under the provisions of the fisheries code shall be carried in the possession of the licensee or authorized representative of the licensee who shall be in charge of the operation of such gear.

Certain licenses to be carried in possession of licensee.

Fishing guide licenses, fish buyer licenses, and personal commercial fishing licenses shall be carried on the person of the licensee. Fish broker licenses, clam or oyster farm licenses, oyster reserve licenses, wholesale fish dealer licenses, retail fish dealer licenses, fish canning licenses, fish by-products licenses, boat house operator licenses, and branch licenses shall be kept and displayed at the business premises of the licensee.

Certain licenses to be displayed at place of business of licensee.

CHAPTER VI.

COURTS, JURISDICTION, PENALTIES.

Penalties for violations of fisheries code.

SEC. 75. Unless otherwise provided for in the fisheries code any person who shall violate any of the provisions of the fisheries code, or any of the rules or regulations of the Director made pursuant thereto, or who shall aid or abet or assist in the violation

thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which said offense is committed for not less than thirty (30) days or more than one (1) year, or by a fine of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

SEC. 76. (1) The Director, fisheries inspectors, deputy fisheries inspectors, and ex-officio fisheries inspectors may seize without warrant all food fish, shellfish, or parts thereof taken, killed, transported or possessed contrary to law or rule or regulation of the Director and may seize in a similar manner any boat, vehicle, gear, appliance, or other device used in violation of the fisheries code or the regulations of the Director, or held with intent to violate the fisheries code or the regulations of the Director, and the articles seized shall be forfeited to the state, regardless of the ownership of the articles seized: *Provided*, That the owner of the boat, vehicle, gear, appliance or other device seized under the provisions of this section may recover the same by depositing into Court a cash bond equal to the value of the seized articles if the value of the same be less than five thousand dollars (\$5,000), or a cash bond in the amount of five thousand dollars (\$5,000), if the value of the seized boat, vehicle, gear, appliance or other device be in excess of five thousand dollars (\$5,000), and the cash bond shall thereafter be subject to forfeiture to the state in lieu of the seized boat, vehicle, gear, appliance, or other device.

(2) The Court shall have the power and jurisdiction in any prosecution for violation of the fisheries code or regulations of the Director, in addition to imposing any penalty provided by law, to order for-

Seizure of property without warrant.

Forfeiture to state.

Recovery of property seized.

Cash bond.

Courts have power to order forfeiture.

feited to the state any articles seized under the provisions of this section.

Seizure of property when person responsible for violation is not amenable to prosecution.

(3) In event it appears upon affidavit that the identity of the person responsible for the violation for which the seizure was made, is unknown or that for any reason the state is unable to prosecute the person responsible for the violation for which the seizure was made, the Court nevertheless shall have the power and jurisdiction to forfeit such articles so seized upon a hearing duly held after service of summons describing the articles seized and giving notice of pending forfeiture by publication in the manner provided by law for the service of summons in civil actions.

Justice and Superior Courts have concurrent jurisdiction.

(4) Justice Courts and Superior Courts shall have concurrent jurisdiction to order the forfeitures provided for in this section.

Disposal of seized articles by sale.

(5) In the event of seizure and forfeiture of any articles as provided above, the Director may sell all or any of such articles at public auction. The time, place and manner of holding such sale shall be within the discretion of the Director: *Provided*, That notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held. The proceeds from all such sales shall be deposited with the State Treasurer to the credit of the General Fund.

Notice of sale to be published.

Disposition of proceeds of sale.

Courts may forfeit license.

SEC. 77. Upon conviction of any person of a violation of any provision of this act, or rule or regulation of the Director, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person. Upon subsequent conviction of any such person of any violation of any provisions of this act or rule or regulation of the Director, the forfeiture of such license shall be man-

Forfeiture of license mandatory for subsequent convictions.

datory. The Director may prohibit the issuance of a license to any person convicted two or more times of any such violation or prescribe the conditions under which such license may be issued.

SEC. 78. Every justice of the peace shall have jurisdiction concurrent with the Superior Court of all misdemeanors and gross misdemeanors committed in violation of the fisheries code and of the rules, regulations and orders made by the Director in accordance with existing law and to impose any penalty or confiscation provided for such offenses.

Justice and Superior Courts have concurrent jurisdiction for violations of code.

SEC. 79. Violations of the fisheries code or the regulations of the Director occurring in the offshore waters may be prosecuted in the Superior Court or justice courts of any county bordering on the Pacific Ocean, or in any county in which the food fish or shellfish are landed.

Courts having jurisdiction of violations occurring in offshore waters.

CHAPTER VII.

COMPACTS.

SEC. 80. Should Congress by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the states of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the states of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by

Congressional ratification of agreement between Oregon and Washington regarding protection of fish in Columbia River.

said states"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the states of Washington and Oregon a definite compact and agreement, the purport of which shall be substantially as follows:

Change in laws and regulations by mutual consent.

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

Director authorized to give state's consent to change the open and closed seasons in Columbia River.

SEC. 81. The Director is hereby authorized for and on behalf of the State of Washington to give to the State of Oregon such consent and approbation of the State of Washington as is necessary under and pursuant to the compact entered into between the states of Washington and Oregon, as set out in the preceding section, to change the open and closed seasons in the Columbia River district as permitted in this act.

Congressional ratification of Pacific Marine Fisheries Compact.

SEC. 82. (1) Should Congress, by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact, recommended by the Interstate Committee on Offshore Fisheries of the Western Regional Legislative Conference of the Council of State Governments, after the enactment of this compact by two or more of the states of California, Oregon and Washington, then, and in that event, there shall exist between the contracting states a definite compact and agreement, the purport of which shall be substantially as follows:

THE PACIFIC MARINE FISHERIES COMPACT.

The contracting states do hereby agree as follows:

ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction.

Purposes
of compact.

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever two or more of the states of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing states and the Congress has given its consent.

When
operative.

ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

State to
appoint rep-
resentatives.

Pacific
Marine
Fisheries
Commission.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years.

Terms of
Commis-
sioners.

Vacancies. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers. Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV.

Powers and duties of Commission. The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The Commission shall have power to recommend the co-ordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the Commission shall draft and, after consultation with the advisory committee hereinafter

authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The Commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

Shall make recommendations.

The Commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

Shall recommend regulations.

The Commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the Commission shall act as the co-ordinating agency for such stocking.

May recommend stocking of fish.

ARTICLE V.

The Commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within

Officers.

Rules and regulations.

Offices.

the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI.

Majority
vote neces-
sary for
Commission
to act.

No action shall be taken by the Commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

ARTICLE VII.

Official
research
agency.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

Advisory
committee.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Individual
state powers
not limited.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Absence of
representa-
tion.

Continued absence of representation or of any representative on the Commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

The states agree to make funds available annually to the support of the Commission in proportion to

the primary market value of the products of their fisheries as recorded in the latest published reports (five year average): *Provided*, No state shall contribute less than two thousand dollars (\$2,000) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars (\$100).

Funds contributed by states.

The states agree to make available annual funds in the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five year catch records. Subsequent budgets shall be recommended by a majority of the Commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

Schedule of contributions.

SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS.

California	\$11,000
Oregon	2,000
Washington	2,000
	\$15,000
Total	\$15,000

ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Withdrawal from compact.

(2) In the event the compact set forth in subsection (1) of this act becomes effective, the Director of Fisheries, ex-officio, shall have the power, and it shall be his duty to act as the representative of this state on The Pacific Marine Fisheries Commission, in accordance with the provisions of, and with the powers and duties provided in said compact.

Director of Fisheries to be state representative to Commission.

(3) In the event the compact set forth in subsection (1) hereof becomes effective, the Director shall have the power and he is hereby authorized

Director of Fisheries to make regulations.

from time to time to make, adopt, amend and promulgate, governing offshore fishing in the Pacific Ocean by citizens of this state, rules and regulations, prohibiting wastage of food or shellfish, establishing open and closed season for all fishing, designating areas open or closed to fishing, setting minimum and maximum sizes of fish and shellfish that may be taken, declaring the kinds of food or shellfish that may be used for bait, and regulating fishing gear to be used as to mesh, size and length of nets and number, length and size of line and hooks: *Provided*, That no rule or regulation shall be issued governing the conduct of citizens of this state unless like rules or regulations or statutes have been made or will become effective jointly as to the citizens of the states of Oregon and California.

Regulations
must be
joint.

Penalty for
violations.

(4) Any person violating any of the rules or regulations of the Director issued in accordance with this act, shall be guilty of a misdemeanor.

Adoption of
provisions
of conven-
tion between
the United
States and
Canada.

SEC. 83. The Director and his duly authorized agents are hereby authorized to adopt and to enforce the provisions of the convention between the United States and the Dominion of Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington, District of Columbia, on the 26th day of May, 1930, and the regulations of the Commission promulgated under authority of said convention.

CHAPTER VIII.

CONSTITUTIONALITY, SAVING CLAUSE, PENALTIES.

Effect of
act as to
prior laws.

SEC. 84. Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act, shall not be construed as new acts, but as continuations and amendments of such acts or parts of acts. All rights of action under existing laws, which this act in any way supersedes or repeals, if the same at the time this act takes effect shall not have been

commenced, shall proceed under the provisions of this act.

Any action or proceedings pending in the Courts under existing laws, which this act in any way supercedes or repeals, shall proceed without being in any way affected by this act. All licenses heretofore issued shall continue and remain in force during the time that they should continue under existing laws, and all rights and privileges under such licenses shall rest and remain in the holders thereof until the date of their expiration, and the holders thereof shall be entitled to all property rights accruing to them thereunder, and to the renewal of such rights by the renewals of such licenses as provided in this act.

Actions
pending in
Courts.

Issued
licenses.

The present Director heretofore appointed under existing laws shall continue to act as Director under the provisions of this act, until the date of the expiration of the term for which he was appointed, unless sooner removed by proper authority.

Present
Director.

All existing rules, regulations, and orders of the Director of Fisheries shall remain in full force and effect until such a time as they are repealed, altered, or amended by regulations of the Director published pursuant to the provisions of the fisheries code.

Existing
rules and
regulations.

SEC. 85. If any clause, part or section of this act shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the act but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this act shall be held to impair the obligation of contract, or to deny to any person any right or protection secured to him by the Constitution of the United States of America, or by the Constitution of the State of Washington, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this act, the remainder of the

Partial
invalidity.

act would nevertheless have been adopted without any and all such invalid clauses, parts or sections.

Repealing
clause.

SEC. 86. All acts or parts of acts incorporated in the following schedule, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Emergency.

SEC. 87. This act is necessary for the immediate preservation of public peace, health and safety and for the support of the state government and its existing institutions and shall take effect April 1, 1949.

SCHEDULE.

Schedule of
repealed
laws.

Section 1, chapter 31, Laws of 1915 (sec. 5655, Rem. Rev. Stat.); sections 3 and 4, chapter 31, Laws of 1915 (secs. 5656 and 5657, Rem. Rev. Stat.); section 6, chapter 31, Laws of 1915, as amended (sec. 5658, Rem. Supp. 1943); section 7, chapter 31, Laws of 1915 (sec. 5659, Rem. Rev. Stat.); section 8, chapter 31, Laws of 1915, as amended (sec. 5660, Rem. Supp. 1943); section 2, chapter 179, Laws of 1943 (sec. 5660A, Rem. Supp. 1943); sections 9 to 11, inclusive, chapter 31, Laws of 1915 (secs. 5661 to 5663, incl., Rem. Rev. Stat.); section 8, chapter 90, Laws of 1923, as amended (sec. 5663a, Rem. Rev. Stat.); section 12, chapter 31, Laws of 1915, as amended (sec. 5664, Rem. Rev. Stat.); sections 13 to 19, inclusive, chapter 31, Laws of 1915 (secs. 5665 to 5671, incl., Rem. Rev. Stat.); chapter 1, Laws of 1935 (secs. 5671-1 to 5671-11, incl., Rem. Rev. Stat. Supp.); section 20, chapter 31, Laws of 1915 (sec. 5672, Rem. Rev. Stat.); section 21, chapter 31, Laws of 1915, as amended (sec. 5673, Rem. Rev. Stat.); section 22, chapter 31, Laws of 1915 (sec. 5674, Rem. Rev. Stat.); section 23, chapter 31, Laws of 1915, as amended (sec. 5675, Rem. Rev. Stat.); section 24, chapter 31, Laws of 1915, as amended (sec. 5676, Rem. Rev. Stat.); section 25, chapter 31, Laws of 1915, as amended (sec. 5677, Rem. Rev. Stat.); section 26, chapter 31, Laws of 1915 (sec. 5678, Rem. Rev.

Stat.); section 27, chapter 31, Laws of 1915, as amended (sec. 5679, Rem. Rev. Stat.); sections 28 and 29, chapter 31, Laws of 1915 (secs. 5680 and 5681, Rem. Rev. Stat.); section 30, chapter 31, Laws of 1915, as amended (sec. 5682, Rem. Rev. Stat.); section 31, chapter 31, Laws of 1915, as amended (sec. 5683, Rem. Rev. Stat.); sections 32 to 37, inclusive, chapter 31, Laws of 1915 (secs. 5684 to 5689, incl., Rem. Rev. Stat.); section 38, chapter 31, Laws of 1915, as amended (sec. 5690, Rem. Rev. Stat.); sections 39 to 42, inclusive, chapter 31, Laws of 1915 (secs. 5691 to 5694, incl., Rem. Rev. Stat.); section 43, chapter 31, Laws of 1915, as amended (sec. 5695, Rem. Supp. 1947); sections 44 and 45, chapter 31, Laws of 1915 (secs. 5696 and 5697, Rem. Rev. Stat.); section 46, chapter 31, Laws of 1915, as amended (sec. 5698, Rem. Rev. Stat.); section 47, chapter 31, Laws of 1915 (sec. 5699, Rem. Rev. Stat.); section 48, chapter 31, Laws of 1915, as amended (sec. 5700, Rem. Supp. 1943); section 1, chapter 175, Laws of 1945 (sec. 5700a, Rem. Supp. 1945); sections 1 and 2, chapter 63, Laws of 1939 (secs. 5700-1 and 5700-2, Rem. Rev. Stat. Supp.); sections 49 and 50, chapter 31, Laws of 1915 (secs. 5701 and 5702, Rem. Rev. Stat.); section 51, chapter 31, Laws of 1915, as amended (sec. 5703, Rem. Supp. 1947); section 2, chapter 74, Laws of 1947 (secs. 5703a to 5703h, incl., Rem. Supp. 1947); section 9, chapter 90, Laws of 1923, as amended (sec. 5704a, Rem. Rev. Stat. Supp.); section 1, chapter 150, Laws of 1937 (sec. 5704c, Rem. Rev. Stat. Supp.); section 1, chapter 125, Laws of 1941, as amended (sec. 5704-1, Rem. Supp. 1943); section 52, chapter 31, Laws of 1915, as amended (sec. 5705, Rem. Rev. Stat. Supp.); section 5, chapter 222, Laws of 1937 (sec. 5705-1, Rem. Rev. Stat. Supp.); section 53, chapter 31, Laws of 1915 (sec. 5706, Rem. Rev. Stat.); sections 1 and 2, chapter 180, Laws of 1943 (secs. 5706-1 and 5706-2, Rem. Supp. 1943); section 54, chapter 31, Laws of

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laws.

Schedule of
repealed
laws.

1915, as amended (sec. 5707, Rem. Rev. Stat.); section 55, chapter 31, Laws of 1915 (sec. 5708, Rem. Rev. Stat.); section 56, chapter 31, Laws of 1915, as amended (sec. 5709, Rem. Rev. Stat.); section 1, chapter 123, Laws of 1937 (sec. 5709-1, Rem. Rev. Stat. Supp.); section 57, chapter 31, Laws of 1915 (sec. 5710, Rem. Rev. Stat.); section 58, chapter 31, Laws of 1915, as amended (sec. 5711, Rem. Supp. 1945); section 59, chapter 31, Laws of 1915 (sec. 5712, Rem. Rev. Stat.); sections 61 and 62, chapter 31, Laws of 1915 (secs. 5713 and 5714, Rem. Rev. Stat.); section 63, chapter 31, Laws of 1915, as amended (sec. 5715, Rem. Rev. Stat.); section 64, chapter 31, Laws of 1915 (sec. 5716, Rem. Rev. Stat.); section 65, chapter 31, Laws of 1915, as amended (sec. 5717, Rem. Rev. Stat.); section 1, chapter 181, Laws of 1943 (sec. 5717-1, Rem. Supp. 1943); section 3, chapter 181, Laws of 1943 (sec. 5717-2, Rem. Supp. 1943); sections 67 and 68, chapter 31, Laws of 1915 (secs. 5719 and 5720, Rem. Rev. Stat.); section 69, chapter 31, Laws of 1915, as amended (sec. 5721, Rem. Supp. 1943); section 1, chapter 137, Laws of 1935 (sec. 5721-1, Rem. Rev. Stat. Supp.); section 70, chapter 31, Laws of 1915 (sec. 5722, Rem. Rev. Stat.); section 71, chapter 31, Laws of 1915, as amended (sec. 5723, Rem. Rev. Stat.); section 72, chapter 31, Laws of 1915, as amended (sec. 5724, Rem. Supp. 1943); section 73, chapter 31, Laws of 1915, as amended (sec. 5725, Rem. Rev. Stat.); sections 74 to 76, inclusive, chapter 31, Laws of 1915 (secs. 5726 to 5728, incl., Rem. Rev. Stat.); section 77, chapter 31, Laws of 1915, as amended (sec. 5729, Rem. Rev. Stat.); section 78, chapter 31, Laws of 1915 (sec. 5730, Rem. Rev. Stat.); section 79, chapter 31, Laws of 1915, as amended (sec. 5731, Rem. Supp. 1943); section 1, chapter 32, Laws of 1943 (sec. 5731-1, Rem. Supp. 1943); sections 80 and 81, chapter 31, Laws of 1915 (secs. 5732 and 5733, Rem. Rev. Stat.); section 82, chapter 31, Laws of 1915 (sec.

5734, Rem. Rev. Stat.); sections 1 and 2, chapter 58, Laws of 1915, as amended (sec. 5734, Rem. Rev. Stat.); section 1, chapter 40, Laws of 1943 (sec. 5734-1, Rem. Supp. 1943); sections 83 to 87, inclusive, chapter 31, Laws of 1915 (secs. 5735 to 5739, incl., Rem. Rev. Stat.); section 88, chapter 31, Laws of 1915, as amended (sec. 5740, Rem. Rev. Stat.); sections 89 to 92, inclusive, chapter 31, Laws of 1915 (secs. 5741 to 5744, incl. Rem. Rev. Stat.); section 93, chapter 31, Laws of 1915, as amended (sec. 5745, Rem. Rev. Stat.); sections 94 and 95, chapter 31, Laws of 1915 (secs. 5746 and 5747, Rem. Rev. Stat.); section 96, chapter 31, Laws of 1915, as amended (sec. 5748, Rem. Supp. 1947; section 97, chapter 31, Laws of 1915 (sec. 5749, Rem. Rev. Stat.); section 99, chapter 31, Laws of 1915, as amended (sec. 5750, Rem. Rev. Stat.); section 1, chapter 35, Laws of 1937 (sec. 5750-1, Rem. Rev. Stat. Supp.); section 100, chapter 31, Laws of 1915, as amended (sec. 5751, Rem. Rev. Stat. Supp.); section 1, chapter 78, Extraordinary Session Laws of 1925, as amended (sec. 5751-1, Rem. Rev. Stat.); section 2, chapter 78, Laws of 1931 (sec. 5751-2, Rem. Rev. Stat.); sections 10 to 12, inclusive, chapter 180, Laws of 1921 (secs. 5752 to 5754, incl., Rem. Rev. Stat.); section 10, chapter 90, Laws of 1923 (sec. 5754a, Rem. Rev. Stat.); section 101, chapter 31, Laws of 1915, as amended (sec. 5755, Rem. Rev. Stat.); section 102, chapter 31, Laws of 1915, as amended (sec. 5756, Rem. Supp. 1947); sections 103 and 104, chapter 31, Laws of 1915 (secs. 5757 and 5758, Rem. Rev. Stat.); section 105, chapter 31, Laws of 1915, as amended (sec. 5759, Rem. Rev. Stat. Supp.); sections 2 to 5, incl., chapter 56, Laws of 1939 (secs. 5759-1 to 5759-4, incl., Rem. Rev. Stat. Supp.); section 106, chapter 31, Laws of 1915 (sec. 5760, Rem. Rev. Stat.); sections 109 to 116, incl., chapter 31, Laws of 1915 (secs. 5763 to 5770, incl., Rem. Rev. Stat.); section 2, chapter 123, Laws of 1937 (sec. 5770-1, Rem. Rev. Stat. Supp.); section

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laws.

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laws.

117, chapter 31, Laws of 1915 (sec. 5771, Rem. Rev. Stat.); section 1, chapter 43, Laws of 1943 (sec. 5771A, Rem. Supp. 1943); sections 119 and 120, chapter 31, Laws of 1915 (secs. 5772 and 5773, Rem. Rev. Stat.); section 1, chapter 58, Laws of 1921 (sec. 5774, Rem. Rev. Stat.); section 1, chapter 210, Laws of 1939 (sec. 5774-1, Rem. Rev. Stat. Supp.); section 1, chapter 166, Laws of 1919 (sec. 5780, Rem. Rev. Stat.); sections 1 to 6, incl., chapter 104, Laws of 1941 (secs. 5780-1 to 5780-6, incl., Rem. Supp. 1941); section 1, chapter 107, Laws of 1943 (sec. 5780-10, Rem. Supp. 1943); section 1, chapter 199, Laws of 1945 (sec. 5780-20, Rem. Supp. 1945); section 2, chapter 199, Laws of 1945, as amended (sec. 5780-21, Rem. Supp. 1947); section 3, chapter 199, Laws of 1945 (sec. 5780-22, Rem. Supp. 1945); sections 1 to 3, incl., chapter 200, Laws of 1945 (secs. 5780-30 to 5780-32, incl., Rem. Supp. 1945); sections 1 to 4, incl., chapter 29, Laws of 1947 (secs. 5780-40 to 5780-43, incl., Rem. Supp. 1947); sections 1 to 5, incl., chapter 153, Laws of 1947 (secs. 5780-50 to 5780-54, incl., Rem. Supp. 1947).

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 16, 1949

CHAPTER 113.

[H. B. 35.]

CITIES AND TOWNS—DESTRUCTION OF WEEDS AND VEGETABLE AND HORTICULTURAL GROWTHS.

AN ACT relating to cities and towns; granting powers to require or effect removal of certain weeds and vegetable and horticultural growths and providing a method for enforcing and collecting the costs of removal if done by the city or town.

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

SECTION 1. Any city or town may by general ordinance require the owner of any property therein to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and may further so require the owner of any property therein to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon property owned or occupied by them and which are a fire hazard or a menace to public health, safety or welfare. The ordinance shall require the proceedings therefor to be initiated by a resolution of the governing body of the city or town, adopted after not less than five (5) days' notice to the owner, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after notice given as required by said ordinance. The ordinance may provide that if such removal or destruction is not made by the owner after notice given as required by the ordinance in any of the above cases, that the city or town will cause the removal or destruction thereof and may also provide that the cost to the city or town shall become a charge against the owner of the property and a lien against the property. Notice of the lien

Cities and towns may require owner to remove weeds and vegetation from property.

Ordinance initiated by resolution.

Notice to owner.

City or town may remove if owner does not.

Lien.

Notice of
lien.

herein authorized shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and material.

Act is sup-
plemental.

The provisions of this act are supplemental and additional to any other powers granted or held by any city or town on the same or a similar subject.

Passed the House February 3, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 114.

[H. B. 162.]

VETERANS' INSTITUTIONS—HOBBY PROMOTION AND
OCCUPATIONAL THERAPY.

AN ACT relating to hobby promotion and occupational therapy
at veterans' institutions.

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

Veterans'
institutions.

SECTION 1. The Superintendent of the Washington Veterans' Home and the Superintendent of the State Soldiers' Home and Colony is hereby authorized to:

Occupational
therapy and
hobby pro-
motion
programs.

(a) Institute programs of occupational therapy and hobby promotion designed to improve the general welfare and mental condition of the persons under his supervision;

(b) Provide for the financing of these programs by loans from funds in the Superintendent's custody through operation of canteens and exchanges at such institutions;

(c) Limit the hobbies and occupational therapy sponsored to projects which will, in his judgment, be self-liquidating or self-sustaining.

Funds for
programs.

SEC. 2. The Superintendent of each institution referred to in section 1 may purchase, from the appro-

priation to the institution, for operations, equipment or materials designed to initiate the programs authorized by section 1 hereof.

Passed the House February 10, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 115.

[H. B. 216.]

STATE COLLEGE--BOARD OF REGENTS.

AN ACT relating to education; establishing the number, terms of office and qualifications of the Board of Regents of the State College of Washington and experiment stations; relating to certain duties thereof; and amending section 5, sub-chapter 2, Title II, chapter 97, Laws of 1909 (sec. 4576, Rem. Rev. Stat.).

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

SECTION 1. Section 5, sub-chapter 2, Title II, chapter 97, Laws of 1909 (sec. 4576, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 5. The management of said college and experiment stations, the care and preservation of all property of which the institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and stations, and the disbursement and expenditure of all money provided for by this chapter, shall be vested in a Board of seven (7) regents, said seven (7) members of the Board of Regents shall be appointed in the manner provided by law; said regents and their successors in office shall have the right to cause all things to be done necessary to carry out the provisions of this chapter. The Board of Regents provided for in this chapter, shall be appointed by the Governor, by and with the consent of the Senate, and each regent shall,

Board of Regents.

Powers of board.

Regents appointed by Governor.

before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the State of Washington, with two (2) or more sufficient sureties, residents of the state, or with a surety company licensed to do business within this state, in the penal sum of not less than five thousand dollars (\$5,000) each, conditioned for the faithful performance of his duties as such regent: *Provided*, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant: *And provided further*, That regents now serving upon such Board shall continue, as such during the term for which they were respectively appointed and the Governor, by and with the consent of the Senate, shall appoint one further regent for a term to expire March 9, 1953 and one further regent for a term to expire March 9, 1955. All other appointments provided for in this act shall be for the term of six (6) years and until the appointment and qualification of a successor to each appointee.

Passed the House February 14, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 116.

[H. B. 293.]

REGULATING SALE OF EGGS AND EGG PRODUCTS.

AN ACT regulating the sale of eggs and egg products, prescribing penalties, and amending sections 7 and 10, chapter 17, Laws of 1933, and section 2, chapter 157, Laws of 1937.

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

Amendment. SECTION 1. Section 7, chapter 17, Laws of 1933, is hereby amended to read as follows:

Section 7. The Director of Agriculture 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 and/or grades of size or weight, governing the sale of eggs for human consumption: *Provided*, That such grades and standards of quality, and grades of size and weight, shall conform as nearly to those established by the United States Department of Agriculture as local conditions will permit. The Director of Agriculture may, upon his own initiative or upon petition of the industry covered by this act, call hearings from time to time on matters pertaining to the administration of this act.

Classification of eggs.

Standards to conform with those of U. S.

Hearings.

SEC. 2. Section 10, chapter 17, Laws of 1933, as last amended by section 4, chapter 157, Laws of 1937, is hereby amended to read as follows:

Amendment.

Section 10. Whenever eggs, egg products and food products containing eggs or egg products are unfit for human consumption as that phrase is defined in this act, they shall be deemed to be adulterated for all purposes of law, including all of the purposes of the Uniform Washington Food, Drug and Cosmetic Act (chapter 257, Laws of 1945). All eggs, egg products, food products containing eggs or egg products and containers holding the same shall be deemed to be misbranded for all of said purposes unless they bear or are purveyed under the seals, labels, markings, printed matter, signs, displays or other branding and labeling devices required by this act and unless they conform to the standards and grades heretofore or hereafter promulgated by the Director of Agriculture pursuant to this act. Any violation of this act which is not otherwise provided for under the Uniform Washington Food, Drug and Cosmetic Act shall be a misdemeanor, and if such violation is committed

Adulterated.

Misbranded.

Penalties for violations.

after a previous conviction of such person hereunder has become final such person shall be guilty of a gross misdemeanor.

Amendment.

SEC. 3. Section 2, chapter 157, Laws of 1937, is hereby amended to read as follows:

Washington state egg seal.

Section 2. The Director of Agriculture is hereby authorized and it shall be his duty to provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue gummed paper seals and to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted upon cartons, bags or other containers used for shell eggs.

Permit to use facsimiles.

Rules and regulations.

The Director shall from time to time prescribe rules and regulations governing the affixing of seals and the issuance, use and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this act or to said rules and regulations at any time whenever the Director shall find that a violation of the terms under which the permit was granted has occurred or a violation of any section of chapter 17, Laws of 1933, as amended, or chapter 157, Laws of 1937, as amended, has occurred.

Cancellation of permit.

Sale of seals.

The Director shall have the power from time to time to establish a sum not in excess of 1-3/4 mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the Director of Agriculture to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this act and of chapter 17, Laws of 1933, as amended. It shall be unlawful for any person to sell, offer or expose for sale any eggs for human consumption within the State of Washington in previ-

Disposition of proceeds of sale of seals.

ously used cartons, bags or other containers bearing the Washington state egg seal or a permanent egg establishment permit number or any similar identification whatsoever, but this section shall not affect the sale of eggs in quantities of fifteen dozen or more.

Unlawful
to use
seals twice.

SEC. 4. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Partial
invalidity.

Passed the House February 19, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 117.

[H. B. 161.]

PUBLIC SERVICE COMMISSION.

AN ACT relating to state government; creating a Public Service Commission; providing for the appointment of Public Service Commissioners, and prescribing their powers and duties; abolishing the Department of Transportation and Department of Public Utilities; creating a Public Service Revolving Fund and abolishing the Transportation Revolving Fund and the Public Utilities Revolving Fund; providing for the transfer of property and business of such departments to the commission created by this act, and declaring that this act shall take effect on April 1, 1949.

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

SECTION 1. There is hereby created a State Commission to be known and designated as the Washington Public Service Commission. The Public Service Commission shall consist of three members, who shall be appointed by the Governor, with the consent of the Senate. If the Senate is not in session when this act takes effect or if a vacancy occurs

Washington
Public
Service
Commission.

Governor
to appoint
members.

Temporary
appoint-
ments.

while the Senate is not in session, the Governor shall make a temporary appointment for the full or unexpired term, as the case may be, until the next meeting of the Senate, when the Governor shall present to the Senate his nomination for the office. Immediately after this act shall take effect, the Governor shall, with the consent of the Senate, appoint one (1) member for a term of two (2) years, and two (2) members for terms of four (4) years each, or until their successors are appointed and qualified. Thereafter each member shall be appointed and confirmed for a term of four (4) years, or until his respective successor is duly appointed and qualified. One of such Commissioners, to be designated by the Governor, shall, during the term of the appointing Governor, be the chairman of the Commission.

Terms of
office.

Oath of
office.

Bond.

Qualifications
for Commis-
sioners.

SEC. 2. Each Commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and furnish bond to the state in the sum of twenty thousand dollars conditioned for the faithful discharge of the duties of his office and for the proper accounting for all funds that may come into his possession by virtue of his office. Each Commissioner shall be a qualified elector of this state and no person in the employ of or holding any official relation to any corporation or person, which corporation or person is subject in whole or in part to regulation by the Commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed or hold the office of Commissioner or be appointed or employed by the Commission: *Provided*, That if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or

interest, and failing to do so his office or employment shall become vacant.

SEC. 3. The Commission shall have power and it shall be its duty: Powers and duties of Commission.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Director of Transportation and the Director of Public Utilities;

(2) To exercise such other powers and perform such other duties as may be prescribed by law;

(3) To make such rules and regulations as may be necessary to carry out its other powers and duties.

SEC. 4. The Commission shall appoint and employ a Secretary and such other qualified assistants as may be necessary to carry on the administrative work of the Commission. The Secretary shall be the custodian of the Commission's official seal, and shall keep full and accurate minutes of all transactions, proceedings and determinations of the Commission and perform such other duties as may be required by the Commission. Appointment of Secretary and assistants.
Duties of Secretary.

SEC. 5. All proceedings of the Commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. The Commission shall make and submit to the Governor and the Legislature a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the Commission and such other facts, suggestions and recommendations as may be by it deemed necessary. Proceedings, documents and records.
Official seal.
Biennial report.

SEC. 6. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission, and may hold hearings at any time or place within or with- Quorum.
Hearings may be held outside state.

Investiga-
tions, in-
quiries and
hearings.

out the state. Any investigation, inquiry or hearing which the Commission has power to undertake or to hold may be undertaken or held by or before any Commissioner or any examiner designated and authorized by the Commission as provided in section 1, chapter 164 of the Laws of the Extraordinary Session of 1925. All investigations, inquiries and hearings of the Commission, and all findings, orders or decisions, made by a Commissioner, when approved and confirmed by the Commission and filed in its office, shall be and be deemed to be the orders or decisions of the Commission.

Orders or
decisions of
Commission.

Joint Investi-
gations,
hearings and
orders.

SEC. 7. The Commission shall have full power to make joint or concurrent investigations, hold joint or concurrent hearings, and issue joint or concurrent orders in conjunction or concurrence with any official, board, or Commission of any state or of the United States, whether in the holding of such investigations or hearings or in the making of such orders the Commission functions under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce or as an agency of the Federal government or otherwise. When necessary the Commission may hold such joint hearing or investigation outside the state.

May be held
outside state

Effective
date of act.

SEC. 8. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1949, on which date all powers heretofore exercised and all duties heretofore performed by the Department of Transportation and by the Department of Public Utilities shall devolve upon the Commission created by this act. The Department of Transportation and the Department of Public Utilities are hereby abolished, but such abolishment shall not in any way affect, impair or abrogate any of the powers conferred by the statutes whereby such departments were created

Departments
of Transpor-
tation and
Public Utili-
ties abolished
and powers
transferred
to Com-
mission.

or those conferred by any other statute heretofore enacted pertaining to the regulation of public service companies. The incumbents of the Department of Transportation and the Department of Public Utilities abolished by this act may continue to hold office and perform any act required of them by law until such time after April 1, 1949, as the Washington Public Service Commission is organized and the Commission members thereof are duly appointed and qualified and any act performed by them prior to that time shall be valid and binding.

Incumbents shall hold office until Commission is organized.

Acts binding on Commission.

SEC. 9. This act shall not affect pending actions or proceedings, civil or criminal, brought by or on behalf of the Department of Transportation or Department of Public Utilities, or any other person or corporation, under the provisions of chapter 117, Laws of 1911, or acts amendatory thereof or supplemental thereto. Any investigation or examination undertaken by said Departments prior to the taking effect of this act may be conducted and continued to a final determination by the Commission in the same manner, under the same terms and conditions, and with the same effect as the same could have been conducted and continued by the Departments but for the passage of this act. All findings, orders and rules made, issued and promulgated by the Department of Transportation or Department of Public Utilities shall continue in force and have the same effect as if this act had not been passed, and the Commission is empowered to enforce such findings, orders and rules in the same manner and under the same conditions as if they had been made, issued and promulgated by it. This act shall be construed as a continuation of chapter 81, Laws of 1905, chapter 117, Laws of 1911, and the acts amendatory thereof and supplemental thereto.

Pending actions not affected.

Investigations and examinations may be continued.

Findings, orders and rules shall continue in force.

Funds and documents to be transferred to Commission.

SEC. 10. Upon the organization of the Commission created by this act and the appointment and qualification of the Commissioners, as herein provided, all funds, books, papers, documents, records, data, files and all other equipment and property belonging to the Department of Transportation and the Department of Public Utilities abolished by this act, together with pending business pertaining thereto, shall be delivered to the Commission.

Revolving funds abolished and "Public Service Revolving Fund" created.

SEC. 11. The Transportation Revolving Fund and the Public Utilities Revolving Fund are abolished as of April 1, 1949, and as of such date there is created in the state treasury a "Public Service Revolving Fund" to which shall be transferred all monies which then remain on hand to the credit of the Transportation Revolving Fund and the Public Utilities Revolving Fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after the effective date of this act, regulatory fees payable by all types of public service companies shall be deposited to the credit of the Public Service Revolving Fund. All expense of operation of the Washington Public Service Commission shall be payable out of the Public Service Revolving Fund.

Monies to be transferred.

Conflicting acts superseded.

SEC. 12. If any of the provisions of this act conflict with any of the provisions of chapter 117, Laws of 1911, or of chapter 7, Laws of 1921, or acts amendatory thereof or supplemental thereto, this act shall supersede any such conflicting provisions.

Passed the House February 24, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 118.

[H. B. 222.]

EMERGENCY REVENUES OF CITIES OF THE FIRST CLASS.

AN ACT relating to the raising and expenditure of revenues by cities of the first class in the State of Washington, having a population of 300,000 or more; and amending section 7, chapter 125, Laws of Extraordinary Session 1925, to change the method by which certain emergency expenditures may be made.

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

SECTION 1. Section 7, chapter 125, Laws of Extraordinary Session 1925, is amended to read as follows: Amendment.

Section 7. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, act of God or the public enemy, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the city, or any other such happening that could not have been anticipated, or to meet mandatory expenditures required by laws enacted since the last budget was adopted, the Council may by ordinance, passed by three-fourths of all its members, authorize the expenditure of sufficient money from the emergency fund hereinafter established to meet the expenses or obligations so caused or imposed: Enumeration of emergencies.

Provided further, The Council may, by ordinance passed by unanimous vote of all its members, appropriate from such emergency fund, an amount sufficient to meet the actual necessary expenditures of any department for which insufficient or no appropriations have been made due to causes which could Ordinance for emergency expenditure.

Expenditures not foreseeable when budget made.

not reasonably have been foreseen at the time of the making of the budget, but such unanimous vote requirement shall exclude members absent on leave or on account of illness. All such ordinances shall clearly state the facts constituting such emergency and shall become effective immediately upon the approval or signing of same by the Mayor, or the passage of the same over the Mayor's veto as provided by the charter of any such city.

Emergency
Fund.

There is hereby established in every city an emergency fund, which shall be supported either by an appropriation, listed in the budget for the ensuing year, or by a transfer from time to time of sufficient money from the General Fund, or any other fund not including bond or trust funds, of the city, whenever the necessity for emergency expenditures arises. Any deficit in the General Fund, or any other fund, created by such transfer, shall be provided for in the next succeeding tax levy.

Warrants.

All emergency expenditures shall be paid for by the issuance of warrants chargeable against this fund, and no money accruing or transferred to this fund shall be withdrawn therefrom for any purpose or in any manner, except as herein provided.

Passed the House February 14, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 119.

[H. B. 265.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 1, chapter 87, Laws of 1935, as amended by section 2, chapter 64, Laws of 1937; amending chapter 74, Laws of 1929, by adding thereto two new sections to be known as sections 16a and 16b, and amending section 17, chapter 175, Laws of 1915, as last amended by section 2, chapter 15, Laws of 1941.

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

SECTION 1. Section 1, chapter 87, Laws of 1935, as amended by section 2, chapter 64, Laws of 1937, is amended to read as follows: Amendment.

Section 1. A mutual savings bank may provide for pensions for its disabled or superannuated employees and may pay a part or all of the cost of providing such pensions in accordance with a plan adopted by its board of trustees and approved in writing by the Supervisor of Banking. Whenever the trustees of the bank shall have formulated and adopted a plan providing for such pensions it shall, within ten (10) days thereafter, transmit the same to the Supervisor of Banking. The Supervisor of Banking shall thereupon examine such plan and investigate the feasibility and practicability thereof and within thirty (30) days of the receipt thereof by him notify the bank in writing of his approval or rejection of the same. After the approval of the Supervisor of Banking the mutual savings bank shall be authorized and empowered to put such plan into effect. Pensions for employees.
Plan submitted to Supervisor of Banking.

SEC. 2. Chapter 74, Laws of 1929, is amended by adding thereto a new section to be known as section 16a, to read as follows: Amendment.

Section 16a. A mutual savings bank may invest not to exceed fifteen per cent (15%) of its funds in Limitation on investment of funds.

such interest bearing obligations of industrial corporations incorporated under the laws of the United States, or any state thereof, or the District of Columbia, as are legal for investment by savings banks in the State of New York.

Amendment. SEC. 3. Chapter 74, Laws of 1929, is amended by adding thereto a new section to be known as section 16b, to read as follows:

International Bank for Reconstruction and Development. Section 16b. A mutual savings bank may invest not to exceed five per cent (5%) of its funds in interest bearing obligations of the International Bank for Reconstruction and Development.

Amendment. SEC. 4. Section 17, chapter 175, Laws of 1915, as last amended by section 2, chapter 15, Laws of 1941, is amended to read as follows:

Limitation on amount of deposit. Section 17. When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another, or others, in either joint or several form, is ten thousand dollars (\$10,000) or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or by the consolidation of savings banks having common depositors. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than one thousand dollars (\$1,000) shall be deposited to any such additional account during any six months period; and additional accounts may be maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will, if the

Parent may deposit as trustee for child.

Additional accounts allowed by order of Court.

deposits therein are directed to be made by a court of competent jurisdiction.

Every such bank may further limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividend.

Bank may limit deposit or require withdrawal.

Passed the House February 23, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 120.

[H. B. 269.]

AERONAUTICS—JOINT OPERATION OF AIR PORTS AND FACILITIES.

AN ACT relating to aeronautics; prescribing powers of governing boards of airports, other air navigation facilities and airport protection facilities operated jointly by municipalities; amending section 11, chapter 182, Laws of 1945 (sec. 2722-40 Rem. Supp. 1945); and declaring an emergency.

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

SECTION 1. Section 11, chapter 182, Laws of 1945 (sec. 2722-40 Rem. Supp. 1945), is amended to read as follows:

Amendment.

Section 11. *Joint Operations.*

Subdivision 1. All powers, rights and authority granted to any municipality in this act may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or without the territorial limits of either or any of said municipalities and within or without this state, or by this state or any municipality therein acting jointly with any other

Joint operation authorized.

state or municipality therein, either within or without this state: *Provided*, The laws of such other state permit such joint action.

Terms include state.

Subdivision 2. For the purposes of this section only, unless another intention clearly appears or the context otherwise requires, this state shall be included in the term "municipality," and all the powers conferred upon municipalities in this act, if not otherwise conferred by law, are hereby conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term shall mean, as to the state, its Director of Aeronautics.

Joint action by municipalities.

Subdivision 3. Any two or more municipalities may enter into agreements with each other, duly authorized by ordinances or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

Content of agreements.

Subdivision 4. Each such agreement shall specify its terms; the proportionate interest which each municipality shall have in the property, facilities and privileges involved, and the proportion of preliminary costs, cost of acquisition, establishment, construction, enlargement, improvement and equipment, and of expenses of maintenance, operation and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities and privileges jointly owned if said property, facilities and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds

received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

Subdivision 5. Municipalities acting jointly as **Joint Boards.** herein authorized shall create a Board from the inhabitants of such municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such Board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

Subdivision 6. Each such Board shall organize, **Duties of Board.** select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

Subdivision 7. Such Board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by this act, except as herein provided. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by approval of the governing bodies of each of the municipalities involved; upon the approval of the governing body, or if no approval be necessary then upon the **Powers of Board.**

Amount of
expendi-
tures.

Board's own determination, such property may be acquired by private negotiation under such terms and conditions as to the Board may seem just and proper. The total amount of expenditures to be made by the Board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December first, of a budget for the ensuing calendar year. Rules and regulations provided for by subdivision 3 of section 8 of this act shall become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other navigation facility, or air protection privilege, owned jointly, shall be disposed of by the Board by sale except by authority of all the appointing governing bodies, but the Board may lease space, land area or improvements and grant concessions on airports for aeronautical purposes, or other purposes which will not interfere with the aeronautical purposes of such airport, air navigation facility or air protection privilege by private negotiation under such terms and conditions as to the Board may seem just and proper, subject to the provisions of subdivision 5 of section 8 of this act. Subject to the provisions of the agreement for the joint venture, and when it shall appear to the Board to be in the best interests of the municipalities involved, the Board may sell any personal property by private negotiations under such terms and conditions as to the Board may seem just and proper.

Ordinances.

Subdivision 8. Each municipality, acting jointly with another, pursuant to the provisions of this section is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by subdivision 3 of section 8 of this act, and to fix by such ordinances penalties for the violation thereof, which ordinances when so concurrently adopted, shall have the same

force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or without the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of said municipalities in like manner as are its individual ordinances. The consent of the state Director of Aeronautics to any such ordinance, where the state is a party to the joint venture, shall be equivalent to the enactment of the ordinance by a municipality. The publication provided for in subdivision 3 of section 8, aforesaid, shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

Consent of state to ordinances.

Publication.

Subdivision 9. Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of subdivision 2 of section 2 shall apply to such proceedings.

Condemnation proceedings.

Tenants in common.

Subdivision 10. For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement, such funds to be provided for by bond issues, tax levies and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this act, and into which shall be paid the revenues obtained from the ownership, control and operation of the airports and other air navigation facilities jointly controlled, to be expended as provided in this act; revenues in excess of cost of maintenance and operating expenses of the joint properties to be divided or allowed to accumulate for future anticipated expenditures as may be provided

Joint funds.

in the original agreement, or amendments thereto, for the joint venture. The action of municipalities involved in heretofore permitting such revenues to so accumulate is declared to be legal and valid.

Disbursements.

Subdivision 11. All disbursements from such fund shall be made by order of the Board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

Specific performance may be enforced.

Subdivision 12. Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

Emergency.

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 February 23, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 121.

[H. B. 96.]

ADVERTISING AND SALE OF ANTI-FREEZE.

AN ACT relating to advertising and sale of anti-freeze; providing for inspection and licensing by the Department of Agriculture; authorizing the Director of Agriculture to promulgate rules and regulations and establishing standards of quality and providing for penalties and the enforcement thereof.

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

Definitions.

SECTION 1. As used in this act, unless the context or subject matter otherwise require: (1) "Anti-freeze" shall include all substances and preparations intended for use as the cooling medium, or to be

"Anti-freeze."

added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point; and (2) "person" shall include individuals, partnerships, corporations, companies and associations. "Person."

SEC. 2. An anti-freeze shall be deemed to be adulterated: (1) If it consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user; or (2) if its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold. Adulterated.

SEC. 3. An anti-freeze shall be deemed to be misbranded: (1) If its labeling is false or misleading in any particular; or (2) if in package form it does not bear a label containing the name and place of business of the manufacturer or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package. Misbranded.

SEC. 4. Before any anti-freeze shall be sold, offered for sale, or held with intent to sell within this state, a sample thereof must be inspected annually by the Department of Agriculture. Upon application of the manufacturer or distributor and the payment of a fee of twenty dollars for each brand of anti-freeze submitted, the Department shall inspect the anti-freeze submitted. If the anti-freeze is not adulterated or misbranded, if it meets the standards of the Department, and is not in violation of this act, the Department shall give the applicant a written permit authorizing the sale of such anti-freeze in this state for the calendar year in which the inspection fee is paid. It shall be unlawful to keep with intent to sell, to offer to sell or to sell adulterated or Inspection by Department of Agriculture.
Fee for inspection.
Selling permit.
Unlawful to sell without license.

misbranded anti-freeze or any anti-freeze for which a license shall not previously have been obtained.

Enforcement
of act by
Department
of Agricul-
ture.

SEC. 5. The Department of Agriculture shall enforce the provisions of this act by inspections, chemical analyses, or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in the state or intended for sale in the state. The Department through its agents may call upon the manufacturer or distributor applying for an inspection of an anti-freeze to supply such samples thereof for analysis. The Department, through its agents, shall have free access by legal means during business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale, or storage of any anti-freeze, and it may open by legal means any box, carton, parcel, or package, containing or supposed to contain any anti-freeze and may take therefrom samples for analysis.

Rules and
regulations.

SEC. 6. The Department of Agriculture shall have authority to promulgate such rules and regulations as are necessary to promptly and effectively enforce the provisions of this act. The Department may at its discretion establish minimum requirements and standards of quality for anti-freeze.

List of
brands and
trademarks
inspected.

SEC. 7. The Department of Agriculture may furnish upon request a list of the brands and trademarks of anti-freeze inspected by the Department during the calendar year which have been found to be in accord with this act.

Advertising
of anti-
freeze.

SEC. 8. No advertising literature relating to any anti-freeze sold or to be sold in this state shall contain any statement that the anti-freeze advertised for sale has been approved by the Department of Agriculture; but if any anti-freeze has been inspected by the Department and found to meet the standards of the Department and not to be in violation of this

act such statement may be contained in any advertisement literature whenever such brand or trademark of anti-freeze is being advertised for sale.

SEC. 9. It shall be the duty of the Prosecuting Attorneys of the several counties to institute criminal proceedings against any person or persons having violated any provisions of this act, or any rule or regulation of the Department of Agriculture hereunder promulgated.

Prosecution
for viola-
tions of act.

SEC. 10. All fees provided for in this act shall be collected by the Director of the Department of Agriculture and remitted to the State Treasurer.

Collection
of fees.

SEC. 11. Any person violating or failing to comply with any of the provisions of this chapter or any rule, regulation, definition, or standard of quality issued pursuant hereto is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars, or by imprisonment for not less than ten days and not more than thirty days, or by both fine and imprisonment.

Penalties for
violations.

Passed the House February 1, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 122.

[H. B. 221.]

PORT DISTRICTS—REVENUE BONDS AND WARRANTS.
AN ACT relating to Port Districts and authorizing and providing
for the issuance of revenue bonds and warrants.

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

SECTION 1. Any Port District having a population of four hundred thousand (400,000) or more now organized under the laws of the State of Washington

Certain Port Districts may issue revenue bonds and warrants.

shall be authorized in the exercise of the powers granted Port Districts under the laws of the State of Washington to contract indebtedness and issue revenue bonds and warrants evidencing said indebtedness in conformity with this act.

Issuance and sale of bonds and warrants.

SEC. 2. All revenue bonds and warrants authorized under the terms of this act applicable to Port Districts having a population of four hundred thousand (400,000) or more may be issued and sold by said Port District from time to time and in such amounts as may be deemed necessary in the judgment of the Port Commission of said Port District to provide sufficient funds for the carrying out of all Port District powers, but without limiting the generality thereof, shall include the following: Acquisition, construction, reconstruction, maintenance, repair, additions and operation of port properties and facilities, and shall include in the cost thereof engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for six (6) months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The Port Commission of the said Port District shall determine the form, conditions, and denominations of all such bonds and shall determine the maturity dates which the bonds so sold shall bear and the interest rate thereon, which shall not exceed six per cent (6%) per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the Port Commission of said Port District and the said bonds may contain provisions for registration

Purposes for which bonds and warrants may be issued.

Form, conditions, and denomination of bonds.

Maximum interest.

thereof as to principal only and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the Port Commission of said Port District and in such amounts as they may prescribe. The Port Commission of said Port District may provide for retirement of bonds issued under this act at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the Port Commission of said Port District.

Issued in coupon form.

Retirement of bonds.

SEC. 3. Port Districts having a population of four hundred thousand (400,000) or more may, but shall not be required by the terms of this act, to sell any or all bonds pursuant to the provisions of this act to the Federal government, or any agency of the Federal government, at private sale and without the necessity of public advertisement or calling for bids, but in no event shall the sale of said bonds be permitted for less than the principal and accrued interest thereon. Sales to others than the Federal government, or its agencies, shall be made in the manner provided by law for the sale of other Port District bonds.

Sale of bonds to Federal government.

Sale to other than Federal government.

SEC. 4. Bonds or warrants issued under the provisions of this act applicable to a Port District having a population of four hundred thousand (400,000) or more shall be payable solely out of revenues of said Port District. Said bonds or warrants may be authorized by resolution adopted by the Port Commission of said Port District, which resolution shall provide for the creation of a special fund or funds, in which event or events the Port Commission may obligate and bind said Port District to set aside and pay a fixed proportion of the gross revenue of the said Port District, which fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds and warrants

Bonds and warrants payable out of revenues.

Bonds and warrants authorized by resolution.

Special funds created.

Bonds and warrants shall be negotiable.

issued pursuant to this act. The bonds and warrants shall be negotiable instruments under the law merchant, even though they shall be payable solely from such special fund or funds, but shall never be deemed a charge upon the tax revenue of said Port District. The bonds shall state upon their faces that they are payable solely from such special fund or funds. Should the Port Commission of said Port District fail to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds or warrants may bring suit to compel compliance with the provisions of such resolution.

Contents of bond.

Holders of bonds may compel compliance.

Powers of Port Districts having less than 400,000 population.

SEC. 5. Any Port District having a population of less than four hundred thousand (400,000) now, or which may hereafter be organized under the laws of the State of Washington, shall have the power and shall be authorized to construct on property owned or controlled by said Port District, piers, wharves, docks, boat landings, terminals, warehouses, storehouses, bunkers, oil tanks, and other harbor improvements, rail, transfer and terminal facilities, and to acquire such machinery, equipment and other facilities as may be necessary or convenient to the successful operation of the same, included in the cost of which shall be the preparation of sites, grading of lands and dredging of waterways, all of which shall hereinafter be referred to as "improvements," in conformity with the powers herein granted, applicable to Port Districts having a population of less than four hundred thousand (400,000).

Issuance and sale of revenue bonds by Port Districts with less than 400,000 population.

SEC. 6. Revenue bonds authorized under the terms of this act applicable to Port Districts having a population of four hundred thousand (400,000) or less may be issued and sold by said Port Districts from time to time and in such amounts as may be deemed necessary in the judgment of the Port Commission of said districts to provide sufficient funds

for the construction or acquisition of any improvements and to include in the cost of construction, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including engraving, printing and advertising and other similar expenses and to pay interest on outstanding bonds issued for the construction of the same during the period of actual construction and for six (6) months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The Port Commission of the Port Districts having a population of less than four hundred thousand (400,000) shall determine the form, conditions and denomination of all such bonds and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon which shall not exceed six per cent (6%) per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Said bonds shall be issued in coupon form with interest payable at such times as may be determined and in such amounts as the Port Commission of said districts may prescribe. Said Port Commissions may provide for the retirement of said bonds at any time or times prior to their maturity and in such manner and upon payment of such premiums as may be fixed and determined by the resolution of the said Port Commissioners providing for the issuance of such bonds and referred to therein.

Purposes for which bonds may be issued.

Form, conditions and denomination of bonds.

Maximum interest.

Issued in coupon form.

Retirement of bonds.

SEC. 7. Bonds issued under the provisions of this act that are applicable to Port Districts having a population of less than four hundred thousand (400,000) shall be payable solely out of revenues received from the use of improvements acquired and/or constructed from the proceeds of the sale of such bonds. Said bonds may be authorized by resolution adopted by the Port Commission of said Port District, which resolution shall provide for the

Bonds payable out of revenues.

Bonds authorized by resolution.

Special funds created.

creation of a special fund or funds into which fund or funds the Port Commission may obligate and bind said Port District to set aside and pay a fixed proportion of the gross revenues received from the use of said improvements, which fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to the provisions of this act applicable to Port Districts having a population of less than four hundred thousand (400,000). Such bonds shall be negotiable instruments under the law merchant even though they shall be payable solely from such special fund or funds and shall never be deemed a charge upon the tax revenues of said Port District, and such bonds shall state upon their face that they are payable from such special fund or funds. Should the corporate authorities of any Port District having a population of less than four hundred thousand (400,000) fail to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the terms of such resolution. Pending the preparation and execution of such bonds, temporary bonds may be issued in such form as the Port Commission of said Port District may elect. 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 authorizing the issuance thereof. No defense of invalidity, or irregularity in any such bonds funded or refunded by the issuance of bonds hereunder, shall be a valid defense in any action at law or equity for a judgment upon or for the enforcement or collection of any bonds authorized by and

Bonds shall be negotiable.

Content of bonds.

Holders of bonds may compel compliance.

Temporary bonds.

Application of moneys.

Defenses.

issued pursuant to this act, and no court shall have jurisdiction to entertain any such defense in any such action or proceeding.

SEC. 8. Any Port District, regardless of population, may, from time to time, refund any bonds authorized by or issued pursuant to any provisions of 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 bond so refunded.

Refund of bonds.

SEC. 9. Any resolution authorizing the issuance of bonds pursuant to the provisions of this act may contain covenants of any such Port District to protect and safeguard the security and rights of holders of any such bonds and such other covenants not inconsistent with the provisions of this act which will increase the marketability of such bonds. The provisions of this act and any such 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 appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Covenants protecting holders of bonds.

Resolutions are contracts with holder.

Provisions enforceable by court action.

SEC. 10. This act shall be complete authority for the issuance of the bonds and warrants hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds or warrants contained in any other act shall not apply to the bonds or warrants issued under this act. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purpose of this act only.

Act complete authority for issuance of bonds and warrants.

Passed the House February 28, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 123.

[S. H. B. 108.]

STATE COLLEGE AND UNIVERSITY—POLICE FORCE AND TRAFFIC REGULATIONS.

AN ACT relating to institutions of higher learning; authorizing the creation of police forces and the establishment of traffic regulations at the State College of Washington and the University of Washington; providing penalties and prescribing the jurisdiction of certain justice courts.

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

Boards of Regents of State College and University.

SECTION 1. The Board of Regents of the State College of Washington and the Board of Regents of the University of Washington, acting independently and each on behalf of its own institution,

May establish police force.

(a) may establish a police force for the college or university, which force shall function under such conditions and regulations as the Board prescribes; and

Badges and uniforms.

(b) may supply appropriate badges and uniforms indicating the positions and authority of the members of such police force.

Members of police force.

SEC. 2. The members of a police force established in conformity with the provisions of section 1 of this act, when appointed and duly sworn,

Police power.

(a) shall be peace officers of the state and have such police powers as are vested in sheriffs and peace officers generally under the laws of this state; and

Jurisdiction.

(b) may exercise such powers upon state lands devoted mainly to the educational or research activities of the college or university, and

May arrest beyond limits of jurisdiction.

(c) shall have power to pursue and arrest beyond such limits, if necessary, all or any violators of the rules or regulations herein provided for.

Rules and regulations governing traffic and parking.

SEC. 3. The Board of Regents of the State College of Washington and of the University of Washington, acting independently and each on behalf of its own institution, may establish and promulgate

rules and regulations governing pedestrian traffic and vehicular traffic and parking within the area described in section 2 (b) of this act.

SEC. 4. Any person violating a rule or regulation promulgated in conformity with the provisions of section 3 of this act, shall be guilty of a misdemeanor and the courts of justice of the peace in the county in which the offense is committed shall have jurisdiction over such offense.

Penalties for violations.

County courts have jurisdiction.

SEC. 5. In case any provision of this act shall be adjudged unconstitutional, or void for any other reason, such adjudication shall not affect the validity of any other provision of this act.

Partial invalidity.

Passed the House February 14, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 124.

[H. B. 165.]

FEES PAID BY STORAGE WAREHOUSEMEN.

AN ACT relating to fees to be paid by storage warehousemen subject to regulation by the Department of Transportation; amending section 3, chapter 158, Laws of 1937, as amended by section 2, chapter 123, Laws of 1939, and declaring when this act shall take effect.

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

SECTION 1. Section 3, chapter 158, Laws of 1937, as amended by section 2, chapter 123, Laws of 1939, is amended to read as follows:

Amendment.

Section 3. Every storage warehouseman operating under the provisions of chapter 154 of the Laws of 1933 as amended, shall, on or before the thirty-first day of March, 1950, and of each year thereafter, file with the Department an annual report under oath, on forms to be provided by the Department

Annual report and payment of fees.

Minimum
fee.

showing his gross operating revenue from intrastate operations for the preceding calendar year ending December 31st, 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: *Provided further*, That for the year 1950 the amount yet remaining due shall be computed to give credit for amounts paid during that year. 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 1st of such year. In fixing such rate the Department shall take into consideration all monies on hand in the Transportation 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.

Effective
date of act.

SEC. 2. This act shall become effective on and after December 15, 1949.

Passed the House February 9, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 125.

[H. B. 193.]

FREE USE OF STATE ARMORIES.

AN ACT permitting the free use of state armories by veterans' organizations for athletic and social events, and amending section 93, chapter 130, Laws of 1943, as amended by section 1, chapter 204, Laws of 1947 (Rem. 1947 Supp. 8603-93).

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

Amendment.

SECTION 1. Section 93, chapter 130, Laws of 1943, as amended by section 1, chapter 204, Laws of 1947

(Rem. 1947 Supp. 8603-93) is hereby amended to read as follows:

Section 93. State owned armories shall be used for strictly military purposes: *Provided*, That one room shall be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: *Provided, further*, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the Adjutant General may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: *Provided, also*, The Adjutant General may, during an emergency, permit transient lodging of service men in armories: *Provided further*, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the Adjutant General: *Provided, also*, That state owned armories shall be available, at the discretion of the Adjutant General, for use for casual civic purposes, amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the State Military Department: *Provided, however*, That children attending primary and high schools shall have a preferential right to use said armories. The Adjutant General shall cause to be prepared a schedule of rental charges for each state owned armory based on predetermined operating costs which may not be waived except for

Military purposes.

One room for veterans' organizations.

Veterans' athletic and social events.

Transient lodging of service men.

Use of rifle range.

Casual civic purposes.

Rental charges.

Preferential right to school children.

Disposition
of revenues.

activities of units of the organized militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the organized militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the State Military Department shall pay, or cause to be paid, expenses incident to such use or maintenance and operation of armories.

Passed the House February 10, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 126.

[H. B. 232.]

LICENSING OF FUNERAL DIRECTORS AND EMBALMERS.

AN ACT relating to the licensing of funeral directors and embalmers; and amending section 3, chapter 108, Laws of 1937, as last amended by section 1, chapter 105, Laws of 1947, and declaring an emergency.

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

Amendment.

SECTION 1. Section 3, chapter 108, Laws of 1937, as last amended by section 1, chapter 105, Laws of 1947 is amended to read as follows:

Qualifica-
tions for li-
cense of
Funeral
Director.

Section 3. In order to obtain a license as a Funeral Director, the applicant must be at least twenty-one (21) years of age, of good moral character, and must have completed a course of not less than two years in an accredited college. The application must specify a fixed address at which the applicant proposes to engage or conduct a place of business as a Funeral Director in this state. The applicant must

Fixed
address.

Examination.

pass an examination in the following subjects: Funeral directing, the signs of death, the manner in which death may be determined, the preparation, burial, disposal and transportation of dead human

bodies, and the shipment of bodies of persons dying of contagious or infectious diseases: *Provided, however,* That any person who has been lawfully engaged in the business of funeral directing in this state continuously for a period of one (1) year or more prior to the 31st day of December, 1937, may register as such with the Director of Licenses, and upon payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938, but in case of failure so to register and pay said fee he can thereafter obtain a license only after an examination: *Provided further,* That the requirement that an applicant must have completed a course of not less than two (2) years in an accredited college shall not apply to anyone who was a licensed embalmer, or who was registered as an apprentice embalmer or who was attending an embalming college prior to June 11, 1947.

Exceptions.

Embalmers
excepted.

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

Emergency.

Passed the House February 24, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 127.

[H. B. 291.]

CARRIERS TRANSPORTING PERSONS FOR
COMPENSATION.

AN ACT relating to transportation of persons for compensation over public highways by motor propelled vehicle and exempting certain carriers from insurance and bond requirements in connection with such transportation.

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

Transporters of persons for compensation on public highways.

Exempt from state insurance laws.

SECTION 1. Any auto transportation company now or hereafter authorized to transport persons for compensation on the highways and engaging in interstate, or interstate and intrastate, operations within the State of Washington which is or becomes qualified as a self-insurer with the Interstate Commerce Commission of the United States in accordance with the provisions of the United States Interstate Commerce Act applicable to self insurance by motor carriers, shall be exempt, so long as such qualification remains effective, from all provisions of law relating to the carrying or filing of insurance policies or bonds in connection with such operations.

Proof of qualification with Interstate Commerce Commission.

SEC. 2. The Department of Transportation may require proof of the existence and continuation of such qualification with the Interstate Commerce Commission to be made by affidavit of the auto transportation company, in such form as such Department shall prescribe.

Passed the House February 26, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 128.

[H. B. 555.]

STORAGE WAREHOUSES AND WAREHOUSEMEN.

AN ACT relating to storage warehouses and the regulation thereof, and amending chapter 154, Laws of 1933, as amended by chapter 202, Laws of 1937, by adding new sections thereto.

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

SECTION 1. There is hereby added to chapter 154, Laws of 1933, as amended by chapter 202, Laws of 1937, a new section designated as section 4A to read as follows:

Amendment.

Section 4A. Upon receiving an original application for a storage warehouse license, the Director of Transportation shall cause an inspection to be made of the premises the applicant proposes to use for a storage warehouse, to determine if the premises and facilities are adequate, safe and suitable for use as a storage warehouse.

Inspection of premises of applicant for license.

In event the Director determines that the facilities are adequate, safe and suitable for use as a storage warehouse he shall thereafter cause a hearing to be held for the purpose of determining whether the applicant is financially able to act as a storage warehouseman and is familiar with the laws of the State of Washington, and the rules and regulations of the Department of Transportation pertaining to storage warehousemen, and in event the Director determines that the applicant is not financially able to act as a storage warehouseman or is not sufficiently familiar with the laws of the State of Washington, and the rules and regulations of the Department of Transportation pertaining to storage warehousemen he shall refuse to issue the license.

Hearing on financial responsibility and knowledge of laws.

The decisions of the Director made pursuant to this section shall be subject to review in the Superior Court of Thurston County, Washington.

Decisions subject to review.

Amendment.

SEC. 2. There is hereby added to chapter 154, Laws of 1933, as amended by chapter 202, Laws of 1937, a new section designated as section 4B, to read as follows:

Surety bond.

Section 4B. Each storage warehouseman shall file and maintain with the Department of Transportation a surety bond in the sum of ten thousand dollars (\$10,000) executed by the storage warehouseman as principal, and a surety company authorized to do business in this state as surety, and conditioned upon the storage warehouseman's faithfully accounting in the manner required by law to the owner thereof for all goods, wares, merchandise, funds or other property that the storage warehouseman receives, handles, stores or otherwise deals in as a storage warehouseman.

Failure to file and maintain bond.

Failure to file and maintain in full force and effect the bond herein required shall be cause for the immediate revocation of the storage warehouseman's license and no license for a storage warehouse shall be issued to any person, firm or corporation until such person, firm or corporation has filed the bond herein required.

Amount of surety's liability.

The total liability of the surety on the bond required by this section shall not exceed the sum of ten thousand dollars (\$10,000) in the aggregate for all claims accruing while the bond is in force, and the surety may revoke said bond upon giving the warehouseman and the Department of Transportation written notice fifteen (15) days prior to such revocation, otherwise, said bond shall remain in full force and effect.

Surety may revoke bond.

Passed the House February 26, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 129.

[H. B. 463.]

IDENTIFICATION PLATES FOR MOTOR VEHICLES
TRANSPORTING PROPERTY FOR COMPENSATION.

AN ACT relating to the identification and fees of motor vehicles used in the transportation of property for compensation on the public highways, and amending section 27, chapter 184, Laws of 1935, as last amended by section 7, chapter 264, Laws of 1947.

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

SECTION 1. Section 27, chapter 184, Laws of 1935, as last amended by section 7, chapter 264, Laws of 1947, is amended to read as follows:

Amendment.

Section 27. It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the Department. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the Department, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually under rules and regulations of the Department, and shall be attached to each motor vehicle operated subject to this act not later than January first of each year: *Provided*, That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31 of the succeeding calendar year for which the same are issued. In case an applicant receives a permit after January first of any year such plates shall be obtained and attached to each motor vehicle subject to this act before operation of any such vehicle is commenced.

Identification plates.

Issued annually.

Fees for plates.

The Department shall collect from each such carrier a fee of three dollars (\$3) for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the Transportation Revolving Fund: *Provided, however,* The Department may issue identification plates which are not assigned to specific vehicles and which may be attached to any trailers or semi-trailers operated by a connecting carrier, where transfer or interchange of trailers or semi-trailers is carried on between connecting carriers, pursuant to an interchange agreement filed with and approved by the Department.

Trailers operated by connecting carrier.

Passed the House February 25, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 130.

[H. B. 464.]

LICENSING OF COMMERCIAL VEHICLES AND RECIPROCAL AGREEMENTS BETWEEN STATES.

AN ACT relating to the licensing of motor vehicles and the making of reciprocal agreements between states relating thereto and adding a new section to chapter 188, Laws of 1937, to be known as section 23a.

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

Amendment.

SECTION 1. Chapter 188, Laws of 1937, is amended by adding a new section thereto to be known as section 23a, to read as follows:

Interstate agreements regarding apportioning of license registration of commercial vehicle fleets.

Section 23a. With respect to fleets of two (2) or more commercial vehicles owned by residents of Washington or non-residents which are engaged in interstate movement under the authority of the Interstate Commerce Commission, the Director of Licenses may enter into agreements with states, the District of Columbia, territories or countries which

make like agreements to apportion the registration of such fleets between Washington and the other states, the District of Columbia, territories, or countries into which such fleets enter. The percentage of miles the fleets subject to this section operate in Washington as related to the total miles such fleets operate shall be used by the Director to determine what percentage of the total number of vehicles in such fleets must be registered in Washington. The Director of Licenses may require fleet owners subject to this section to submit under oath such information as he deems necessary for the proper carrying out of the provisions of this section. The Director's determination of the number of vehicles in fleets subject to this section to be registered in Washington shall be final.

Oath.

Passed the House February 25, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 131.

[H. B. 28.]

EXPENDITURE OF FUNDS RECEIVED FROM FOREST RESERVES.

AN ACT providing for the distribution and expenditure of moneys received from forest reserves and amending section 2, chapter 185, Laws of 1907.

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

SECTION 1. Section 2, chapter 185, Laws of 1907, is amended to read as follows: Amendment.

Section 2. County Commissioners of the respective counties to which the money is distributed are hereby' authorized and directed to expend said money for the benefit of the public schools, includ-

Expenditure
of funds
by county.

ing school maintenance and building purposes, and public roads thereof, and not otherwise.

Passed the House February 4, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 132.

[H. B. 80.]

CONVEYANCE OF CERTAIN STATE TIDE LANDS
IN MASON COUNTY.

AN ACT relating to public lands and authorizing the issuance of a deed to School District No. 312, Hoodspport, Mason County, Washington for certain tidelands upon payment of the balance due on contract of purchase therefor.

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

Conveyance of state tide lands to School District No. 312, Mason County.

Description of tide lands.

SECTION 1. Upon payment to the State of Washington of the balance of principal and interest (approximately two-hundred-forty-four dollars and fifty-three cents) on contract No. 6216 issued to School District No. 19, Eldon, Mason County, Washington, since consolidated with School District No. 312, Hoodspport, Mason County, Washington, the Commissioner of Public Lands is authorized and directed to certify that the entire purchase price on all tidelands of the second class owned by the State of Washington situate in front of, adjacent to or abutting upon that portion of Section 26, Township 24 North, Range 3 West, W. M., in Mason County, Washington known as Tracts 9 and 10 of Block 2 of the unrecorded plat of Allie Ahl's Summer Home Tracts, has been paid in full and to cause to be issued to School District No. 312, Hoodspport, Mason County, Washington a deed therefor to be executed by the Governor and attested by the Secretary of State

with the seal of the State of Washington attached thereto.

Passed the House February 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 133.

[H. B. 303.]

TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington; amending section 3, chapter 184, Laws of 1935, as last amended by section 1, chapter 264, Laws of 1947 (sec. 6382-3, Rem. Supp. 1947), and declaring an emergency.

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

SECTION 1. Section 3, chapter 184, Laws of 1935, as last amended by section 1, chapter 264, Laws of 1947 (sec. 6382-3 Rem. Supp. 1947), is amended to read as follows: Amendment.

Section 3. The provisions of this act, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to: Act not applicable to certain motor vehicles.

(a) Motor vehicles operated exclusively within the corporate limits of any city or town of less than ten thousand (10,000) population unless contiguous to a city or town of ten thousand (10,000) population or over, nor between contiguous cities or towns both or all of which are less than ten thousand (10,000) population; Operated exclusively in city or town.

(b) Motor vehicles operated exclusively in the transportation of the United States mail or in the transportation of newspapers or periodicals; United States mail or newspapers.

(c) Motor vehicles owned and operated by the United States, the State of Washington, or any Federal or state.

county, city, town or municipality therein, or by any department of them, or either of them;

Wrecking and towing.

(d) Vehicles specially constructed for towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

Individual farm produce.

(e) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy.

Emergency.

SEC. 2. 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, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 134.

[H. B. 330.]

VETERANS—COMPETITIVE EXAMINATIONS
FOR PUBLIC EMPLOYMENT.

AN ACT relating to veteran preference in competitive examinations; and amending section 1, chapter 189, Laws of 1945.

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

Amendment.

SECTION 1. Section 1, chapter 189, Laws of 1945, as amended (sec. 9963-5, Rem. Supp. 1947), is amended to read as follows:

Preference to veterans in examinations.

Section 1. In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the State of Washington, and

all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans, as herein defined, of all wars in which the United States of America has been, now is or may hereafter be engaged, by adding to the mark, grade or rating, based upon a possible rating of one hundred (100) points as perfect, ten per cent (10%) to his final earned test rating: *Provided*, That he has received a minimum passing grade in such examination. The term "veteran" as herein used, shall include every person who has served, now is serving, or may hereafter serve in any branch of the Armed Forces of the United States during any such war and, upon termination of the service, has received an honorable discharge, or a physical discharge with an honorable record, or has been relieved of active services under honorable circumstances. The provisions of this act shall not be applicable to promotional examinations to determine the qualifications of officers or employees for promotion from a lower grade position to a higher grade position: *Provided*, That when such a veteran was employed in public service at the time of his entry into military service and returns to the same employment, he shall be entitled to the preference herein provided for on his first promotional examination.

Grading of examinations.

"Veteran" defined.

Not applicable to promotional examinations.

Veterans employed prior to service.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 135.

[H. B. 317.]

DIVORCE—ENTRY OF FINAL JUDGMENT.

AN ACT relating to divorces; providing for entry of final judgments and validating marriages entered nunc pro tunc more than six months subsequent to the granting of an interlocutory order.

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

Final judgments in divorce actions.

Final judgments may be entered nunc pro tunc.

Certain marriages validated.

SECTION 1. Whenever either of the parties in a divorce action is, under the law, entitled to a final judgment, but by mistake, negligence or inadvertence the same has not been signed, filed or entered, if no appeal has been taken from the interlocutory order or motion for a new trial made, the Court, on the motion of either party thereto or upon its own motion, may cause a final judgment to be signed, dated, filed and entered therein granting the divorce as of the date when the same could have been given or made by the Court if applied for. The Court may cause such final judgment to be signed, dated, filed and entered nunc pro tunc as aforesaid, even though a final judgment may have been previously entered where by mistake, negligence or inadvertence the same has not been signed, filed or entered as soon as it could have been entered under the law if applied for. Upon the filing of such final judgment, the parties to such action shall be deemed to have been restored to the status of single persons as of the date affixed to such judgment, and any marriage of either of such parties subsequent to six (6) months after the granting of the interlocutory order as shown by the minutes of the Court, and after the final judgment could have been entered under the law if applied for, shall be valid for all purposes as of the

date affixed to such final judgment, upon the filing thereof.

Passed the House February 19, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 136.

[H. B. 384.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF GAME.

AN ACT making a deficiency appropriation for the payment of operations for the Department of Game, and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriation made by the Thirtieth Session of the Legislature, there is hereby appropriated from the Game Fund of the State of Washington the total sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for the use of the Department of Game for the payment of operations. This money shall be expended for the purpose set forth below and in an amount not to exceed the amount set forth herein for the purpose designated, for the fiscal biennium beginning April 1, 1947, and ending March 31, 1949.

Deficiency appropriation to Department of Game.

FROM THE GAME FUND.

For the Department of Game:

Deficiency, Operations \$50,000

SEC. 2. 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.

Emergency.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 137.

[H. B. 397.]

CITY EMPLOYEES RETIREMENT SYSTEM.

AN ACT relating to pension, relief, disability and retirement systems of officers and employees of cities and towns now or hereafter established by ordinance or pursuant to authority granted by state law; authorizing the integration or merger of any such systems with the Statewide City Employees Retirement System under prescribed conditions.

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

Cities and towns may merge retirement systems with Statewide City Employees Retirement System.

Contract of merger.

Contents of contract.

SECTION 1. The Council or other legislative body of any city or town in which there has been established or may hereafter be established by ordinance or pursuant to authority granted, or hereafter granted, by any of the laws of the State of Washington, any retirement system, pension, relief or disability system, excluding any system directly established by the Legislature of the State of Washington and by its terms made compulsory, shall have the right by a legal contract in writing to merge or integrate its existing system with that of the Statewide City Employees Retirement System established by chapter 71, Laws of 1947. Any such contract shall contain appropriate provisions granting to any member of the systems integrated or merged the right to elect to withdraw his or her accumulated contributions accrued to the effective date of the merger or integration where the contract would result in a reduction or impairment of the benefits provided for in the existing system of which he or she is a member, and no such contracts shall be effective which shall reduce or impair the benefits which employees who are receiving benefits from either of the integrated systems would have received had the integration or merger not been effected.

Passed the House March 2, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 138.

[H. B. 450.]

GAME DEPARTMENT REVOLVING FUND.

AN ACT relating to the Department of Game and the creation of a fund for certain game purposes; making an appropriation and declaring an emergency.

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

SECTION 1. Authority is hereby granted to the Director of Game to create from the Game Fund a permanent operating revolving fund of fifteen thousand dollars (\$15,000) to be used in the purchase of setting hens at game farms and other incidental expenses of the Department of Game, and there is hereby appropriated from the Game Fund to the Game Department Revolving Fund the sum of fifteen thousand dollars (\$15,000) for the purpose of carrying out the provisions of this act. All moneys hereby appropriated and received by the Game Department Operating Fund shall be deposited in the Game Department Revolving Fund. The Department shall keep separate books of account for the Game Department Revolving Fund. If there shall be in said fund at the end of any year unobligated money in excess of fifteen thousand dollars (\$15,000), then the excess shall be placed in the Game Fund.

Revolving fund created for purchase of setting hens.

Appropriation to fund.

SEC. 2. 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.

Emergency.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 139.

[H. B. 203.]

COURTS—COMPENSATION OF BAILIFFS.

AN ACT authorizing County Commissioners to set the compensation of bailiffs of the Superior Court and amending section 1, chapter X, Laws of 1891, as last amended by section 1, chapter 149, Laws of 1945 (section 10973 Rem. Supp. 1945).

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

Amendment.

SECTION 1. Section 1, chapter X, Laws of 1891, as last amended by section 1, chapter 149, Laws of 1945 (section 10973 Rem. Supp. 1945), is hereby amended to read as follows:

Compensation of Superior Court bailiffs.

Section 1. Bailiffs of the several Superior Courts in this state, appointed by the respective judges thereof, shall be paid for their services such salary or per diem as shall be fixed and allowed by the Board of County Commissioners of the county in which they serve.

Passed the House February 5, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 140.

[S. H. B. 107.]

INHERITANCE AND GIFT TAX EXEMPTIONS
AND DEDUCTIONS.

AN ACT relating to revenue and taxation; providing for certain exemptions from taxes on gifts, bequests, devises and transfers of property; providing for certain deductions in computing taxes upon the privilege of transferring property by gift; providing for the retroactive application of the act; amending section 11, chapter 202, Laws of 1939, as last amended by section 1, chapter 224, Laws of 1943; amending section 5, chapter 119, Laws of 1941; repealing section 12, chapter 202, Laws of 1939, as last amended by section 2, chapter 197, Laws of 1941, and declaring an emergency.

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

SECTION 1. Section 11, chapter 202, Laws of 1939, as last amended by section 1, chapter 224, Laws of 1943, is amended to read as follows: Amendment.

Section 11. All gifts, bequests, devises, and transfers of property to or for the use of any of the following shall be exempt from inheritance tax: Exemptions from inheritance tax.

- (a) The United States of America; United States.
- (b) The State of Washington; State.
- (c) A municipal or public corporation, school district or any school or educational institution in this state supported by public funds in whole or in part; Municipal and public corporations and public schools.

- (d) A trust or a fraternal society, order or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or Fraternal organizations.

- (e) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it Charitable and non-profit organizations.

be organized under the laws of this state or engaged in such work therein.

Amendment. SEC. 2. Section 5, chapter 119, Laws of 1941 is amended to read as follows:

Deductions of gifts. Section 5. In computing net gifts for any calendar year there shall be allowed as deductions all gifts of property to or for the use of any of the following:

United States. (a) The United States of America;

State. (b) The State of Washington;

Municipal and public corporations and public schools. (c) A municipal or public corporation, school district or any school or educational institution in this state supported by public funds in whole or in part;

Fraternal organizations. (d) A trust, or a fraternal society, order, or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or

Charitable and non-profit corporations. (e) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it be organized under the laws of this state or engaged in such work therein.

Scope of act. SEC. 3. The provisions of this act shall apply to all gifts, bequests, devises and transfers of property with respect to which the inheritance tax or gift tax, as the case may be, has not been finally determined at the time this act takes effect.

Repealing clause. SEC. 4. Section 12, chapter 202, Laws of 1939, as last amended by section 2, chapter 197, Laws of 1941, is hereby repealed.

Emergency. SEC. 5. 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 16, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 141.

[S. H. B. 137.]

PROTECTION AND DEVELOPMENT OF FORESTS.

AN ACT to provide for the protection and development of forests, and amending section 1, chapter 45, Laws of 1933.

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

SECTION 1. Section 1, chapter 45, Laws of 1933 is amended to read as follows: Amendment.

Section 1. The State Supervisor of Forestry shall, subject to the approval of the Director of the Department of Conservation and Development, have power, subject to the provisions hereof, to enter into contracts and undertakings with private corporations or rural fire protection districts for the protection and development of the forests or any designated forest area within the state.

Supervisor may contract for protection and development of forests.

Passed the House February 16, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 142.

[H. B. 180.]

RAISING OF FUR-BEARING ANIMALS—
QUARANTINE CONTROLS.

AN ACT relating to certain fur-bearing animals and giving authority to the Director of Agriculture in connection therewith.

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

Quarantine of fur-bearing animal ranches.

SECTION 1. The raising of fox, mink, martin and chinchilla shall be deemed an agricultural pursuit, and the Director of Agriculture is hereby authorized to exercise quarantine controls over ranches where any of said animals are raised.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 143.

[H. B. 208.]

MOTOR VEHICLE FUNDS.

AN ACT relating to the Motor Vehicle Fund; providing for payments and allocation therefrom; prescribing duties of the Director of Highways, amending section 4, chapter 181, Laws of 1939, as last amended by section 2, chapter 83, Laws of 1943 and section 5, chapter 181, Laws of 1939, as last amended by section 1, chapter 260, Laws of 1945, and declaring that this act shall take effect April 1, 1949.

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

Amendment.

SECTION 1. Section 4, chapter 181, Laws of 1939, as last amended by section 2, chapter 83, Laws of 1943 is amended to read as follows:

Funds credited to cities and towns.

Section 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) Three-fourths of one per cent 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 work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any monies so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

Deduction
for super-
vision.

(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 next preceding official United States census 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.

Balance
credited to
cities and
towns.

Credited on
population
basis.

Later incor-
poration.

SEC. 2. Section 5, chapter 181, Laws of 1939, as last amended by section 1, chapter 260, Laws of 1945 is amended to read as follows:

Amendment.

Section 5. Funds to be paid to the counties of the State of Washington as set forth in subsection (b) of section 3 above, shall be subject to deduction and distribution as follows:

Funds
credited
to counties.

Deduction for supervision.

(a) Three-fourths of one per cent 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 work and expenditures of such counties on the county roads thereof: *Provided*, That any monies so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

Island counties.

(b) Payment of all sums required to be repaid to counties composed entirely of islands in the manner provided by law;

Distribution of balance.

(c) The balance remaining to be paid to counties after such deductions shall be paid to the several counties in the following percentages, such payment to be made monthly as such funds accrue:

Adams 1.73, Asotin .69, Benton 2.02, Chelan 2.38, Clallam 2.38, Clark 4.41, Columbia .96, Cowlitz 2.97, Douglas 1.23, Ferry .87, Franklin 1.02, Garfield .98, Grant 1.43, Grays Harbor 3.02, Island 1.02, Jefferson .86, King 10.29, Kitsap 2.33, Kittitas 1.88, Klickitat 1.63, Lewis 3.94, Lincoln 2.39, Mason 1.34, Okanogan 2.02, Pacific 1.55, Pend Oreille 1.09, Pierce 5.97, San Juan .65, Skagit 4.01, Skamania 1.01, Snohomish 5.89, Spokane 6.02, Stevens 2.23, Thurston 2.43, Wahkiakum .78, Walla Walla 1.74, Whatcom 3.89, Whitman 3.70, Yakima 5.25: *Provided, however*, Beginning April 1, 1946, the balance remaining to be paid after such deductions shall be paid to the several counties monthly, as such funds accrue, based upon the following formula:

Allocation of highway funds.

(d) Ten per cent (10%) of said sum shall be divided equally among the several counties;

(e) Seventy per cent (70%) of said sum shall be paid to each of the several counties, after adjustment for cost variance as provided in subsection (g) hereof, in the direct proportion that the county trunk highway mileage of each county shall bear to the county trunk highway mileage of all counties in the

state. County trunk highways shall mean county roads regularly used by school buses and/or rural mail carriers;

Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the State Superintendent of Public Instruction, who shall, on January 1st of each even-numbered year, furnish the Director of Highways with a map of each county upon which is indicated the county roads used by school buses during the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during said year. Determination of the number of miles of county roads used in each county by rural mail carriers during said year shall be based solely upon information supplied by the U. S. Postal Department;

(f) Twenty per cent (20%) of said sum shall be paid to each of the several counties, after adjustment for cost variance as provided in subsection (g) hereof, in the direct proportion that the number of private automobiles and trucks licensed by registered owners residing in unincorporated areas within each county bears to the total number of such vehicles licensed by registered owners residing in the unincorporated areas of all counties in the state. Determination of the number of licensed vehicles shall be based solely upon information supplied by the Director of Licenses, who shall on January 1 of each even-numbered year furnish the Director of Highways a detailed statement showing the number of vehicles licensed by registered owners residing in unincorporated areas of each county during the preceding license year. Hereafter the Director of Licenses shall require each application for a certificate of license registration to state whether applicant

Allocation
of highway
funds.

resides within or outside an incorporated area and in which county the applicant resides;

(g) Unit cost ratios representing the variance in cost of construction and maintenance in the several counties are allocated as follows: Adams, Douglas, Ferry, Grant, Lincoln, Okanogan and Stevens, each a unit cost ratio of 80; Asotin, Columbia, Franklin, Garfield, Island, Klickitat, San Juan, Walla Walla and Whitman, each a unit cost ratio of 100; Benton, Jefferson, Kitsap, Mason, Pend Oreille, Spokane, Thurston and Yakima, each a unit cost ratio of 125; Chelan, Clark, King, Kittitas, Lewis, Pierce, Snohomish and Whatcom, each a unit cost ratio of 170; Clallam, Cowlitz, Grays Harbor, Pacific, Skagit, Skamania and Wahkiakum, each a unit cost ratio of 240;

The percentage to which each county would otherwise be entitled under subsection (e) and (f) above shall be adjusted to allow for differences in cost, by multiplying said percentage by the unit cost ratio of said county. The resulting figure shall be designated the cost-weighted figure, and the proportion which said cost-weighted figure of each county shall bear to the total of the cost-weighted figures of all counties shall be the percentage payable to each county under subsection (e) and (f);

Annual computation of allocations.

(h) The Director of Highways shall adjust the allocations to the several counties on April 1st of every even-numbered year, based solely upon information supplied by the Superintendent of Public Instruction and the U. S. Postal Department as above provided. Not later than February 15th of said years, said Director shall supply the Board of County Commissioners of each county with a written statement showing any proposed changes, and the said Director shall have authority to correct any mistakes therein at any time before actual distribution shall be made.

Each County Treasurer shall forthwith upon receipt of such money from the Motor Vehicle Fund place the same to the credit of the County Road Fund.

SEC. 3. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall be effective on and after April 1, 1949.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 144.

[H. B. 267.]

HIGHWAYS—ACQUIRING RIGHTS-OF-WAY
IN GRANT COUNTY.

AN ACT relating to highways; acquiring rights-of-way; making an appropriation, and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to Grant County the sum of fifteen thousand dollars (\$15,000) for the purpose of defraying the expense of acquiring the rights-of-way necessary for the county roads to serve the farm units to be placed under irrigation by the United States Reclamation Service in said county during the 1951-53 biennium.

Appropriation for acquiring rights-of-way in Grant County.

SEC. 2. The said fifteen thousand dollars (\$15,000) hereby appropriated shall be transferred to and deposited in the County Road Fund of Grant County, shall be placed in an account within said fund known as the Columbia Basin Advance Engineering Account, and shall be expended only for the purpose

Disposition of appropriation.

Columbia Basin Advance Engineering Account.

appropriated and under the supervision of the County Road Engineer of Grant County.

Emergency.

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.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 145.

[H. B. 294.]

VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.
AN ACT relating to volunteer firemen; and amending sections 11 and 22, chapter 261, Laws of 1945.

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

Amendment.

SECTION 1. Section 11, chapter 261, Laws of 1945 (sec. 9578-25, Rem. Supp. 1945), is amended to read as follows:

Employment of physician for examinations.

Section 11. The Board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of Fire Departments making application for membership at a fee of three dollars (\$3) for each fireman examined. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid his fees from said fund but not in excess of the schedule of fees for like services approved by the State Medical Aid Board under the Workmen's Compensation Act. No other physi-

Fee for examination.

cian or surgeon, not appointed or specifically employed by the Board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the Board of Trustees of said fund for the negligence of any physician or surgeon employed by it. Any physician employed by the Board to attend upon any fireman shall report his findings in writing to said Board.

Report of
examination.

SEC. 2. Section 22, chapter 261, Laws of 1945 (sec. 9578-36, Rem. Supp. 1945), is amended to read as follows:

Amendment.

Section 22. Whenever any fireman shall become disabled or sick in the performance of his duties by reason of which he shall be confined to any hospital, an amount not exceeding sixty dollars (\$60) weekly, or a proportional amount for less than a whole week, shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six (26) weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this act provided: *And further provided*, That costs of surgery, medicine, laboratory fees, X-ray, special therapies, and similar additional costs shall be paid in addition thereto.

Disability
payments.

Passed the House February 26, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 146.

[H. B. 275.]

COURTS—COSTS IN CIVIL ACTIONS—
SERVICE OF PROCESS.

AN ACT amending section 375, chapter XL (40), Territorial Laws of 1854, as reenacted and amended by section 513, chapter XLIV (44), Code of 1881, as last altered and amended by section 1, chapter 16, Laws of 1905, and giving courts discretion to tax service of process charges not incurred by officers.

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

SECTION 1. Section 375, chapter XL (40), Territorial Laws of 1854, as reenacted and amended by section 513, chapter XLIV (44), Code of 1881, as last altered and amended by section 1, chapter 16, Laws of 1905, is amended to read as follows:

Costs in civil actions.

Section 375. The prevailing party, in addition to allowance for costs, as provided in the last section, shall also be allowed for all necessary disbursements, including the fees of officers allowed by law, the fees of witnesses, the necessary expenses of taking depositions, by commission or otherwise, and the compensation of referees. The Court shall allow the prevailing party all service of process charges in case such process was served by a person or persons not an officer or officers. Such service charge shall be the same as is now allowed or shall in the future be allowed as fee and mileage to an officer.

Service of process charges.

Verified by affidavit.

The disbursements shall be stated in detail and verified by affidavit, and shall be served on the opposite party or his attorney, and filed with the Clerk of the Court, within ten days after the judgment: *Provided*, The Clerk of the Court shall keep a record of all witnesses in attendance upon any civil action, for whom fees are to be claimed, with the number of days in attendance and their mileage, and no fees or mileage for any witness shall be taxed in the cost bill unless they shall have reported their attendance

Clerk to keep record of witnesses in attendance.

at the close of each day's session to the Clerk in attendance at such trial.

Passed the House February 28, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 147.

[H. B. 340.]

CONVEYANCE OF CERTAIN LANDS IN GRANT COUNTY.

AN ACT authorizing the conveyance of certain lands in Grant County to the Town of Soap Lake and School District No. 156 of Grant County.

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 deed to the Town of Soap Lake the following described land in Grant County, to-wit:

Conveyance of land to City of Soap Lake.

Description of land.

The $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of section 24, township 22 north, range 26 east, W. M.

SEC. 2. 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 deed to School District No. 156 of Grant County the following described lands in Grant County, to-wit:

Conveyance of land to School District No. 156 of Grant County.

The $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ and the west 340 feet of the $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of section 24, township 22 north, range 26 east, W. M.

Description.

Subject, however, to a right-of-way for city sewer granted January 18, 1947, to the Town of Soap Lake under application No. 19254.

SEC. 3. The Governor is hereby authorized and directed to execute, and the Secretary of State to

Governor authorized to make deeds.

attest, deeds conveying said lands to the Town of Soap Lake and School District No. 156 of Grant County.

Passed the House March 2, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 148.

[H. B. 347.]

MARINE EMPLOYEE COMMISSION.

AN ACT providing for the creation of a Marine Employee Commission within the Washington Toll Bridge Authority; prescribing said Commission's authority and powers; making provisions for the administration of labor relations and adjudicating labor disputes pertaining to the operation and maintenance of a Puget Sounty ferry and bridge system, and declaring an emergency.

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

Public policy.

SECTION 1. The State of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the State.

Definitions.

SEC. 2. Words and phrases used in this act shall have the meaning in this act ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

"Washington Toll Bridge Authority."

(a) "Washington Toll Bridge Authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall mean the Washington Toll Bridge Authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

"Marine Employee Commission."

(b) "Marine Employee Commission" and "Commission" shall be used herein interchangeably and

shall mean the Marine Employee Commission as prescribed herein;

(c) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington Toll Bridge Authority;

"Ferry."

(d) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington Toll Bridge Authority.

"Employee."

SEC. 3. In the event the State of Washington through the Washington Toll Bridge Authority exercises the powers granted in Senate Bill 154, the Washington Toll Bridge Authority shall immediately appoint a Marine Employee Commission to consist of three (3) members, one member to be appointed from labor, one member from industry and one member from the public, which last named member shall be chairman of the Commission. One member shall be appointed for a term of two (2) years, one member for a term of three (3) years, and the chairman for a term of four (4) years. Thereafter each member shall be appointed for a term of four (4) years. Members of the Commission shall serve without compensation with the exception of the member from the public, whose salary shall be determined by the Washington Toll Bridge Authority. Members of the Commission shall be reimbursed by the authority for all necessary expenses incurred in the performance of their duties. The Washington Toll Bridge Authority is empowered to negotiate and to enter into labor agreements with its employees or their representatives. The Commission shall have the authority to administer labor relations and to adjudicate all labor disputes in the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the Marine Employee Commission shall take into con-

Marine Employee Commission.

Members.

Terms of office.

Compensation of members.

Expenses of members.

Labor agreements.

Commission may administer labor relations and adjudicate labor disputes.

Employee
may choose
his repre-
sentative
before
Commission.

Duties of
Commission.

Notice of la-
bor dispute.

Decision of
Commission.

Hearings.

Orders of
Commission
final and
binding.

Rules of
procedure.

Power of
subpoena.

sideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the Marine Employee Commission to negotiate the terms and conditions of his employment and the settlement of his labor disputes. The duties of the Commission shall be to make surveys of wages, hours and working conditions as it deems necessary and shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed, and shall adjust complaints, grievances and disputes concerning labor arising out of the operation of said ferry or ferry system. Any employee, employee's representative, or Washington Toll Bridge Authority claiming labor disputes shall in writing notify the Marine Employee Commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the Commission. The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the Commission. All evidence, statements and testimony in any Commission hearing under this act shall be transcribed and preserved by the Commission and be available as a public record. The orders and awards of the Marine Employee Commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington Toll Bridge Authority. The Commission shall by regulation prescribe its rules of procedure. The Commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the Washington Toll Bridge Authority, and any witnesses. The Commission shall have power to require attendance

of witnesses and the production of all pertinent records at any hearings held by the Commission. The subpoenas of the Commission shall be enforceable by order of any Superior Court in the State of Washington for the county within which such proceedings may be pending.

Subpoenas enforceable by courts.

SEC. 4. The Marine Employee Commission is hereby directed to place all employees aboard ferries acquired by the Toll Bridge Authority under the benefits secured to workmen as set forth in chapter 35, Laws of 1945, as amended, commonly cited as the "Unemployment Compensation Act."

State employees aboard ferries under "Unemployment Compensation Act."

SEC. 5. All employees engaged aboard ferries acquired by the Toll Bridge Authority shall remain subject to all state and Federal enactments for the protection, benefit and welfare of workmen, and the Washington Toll Bridge Authority shall make such deductions from salaries of employees and contributions from revenues of the Toll Bridge Authority as shall be necessary to qualify said employees for benefits under both Federal and state laws.

Employees aboard ferries subject to all Federal and state laws for benefits.

SEC. 6. Employees shall be subject to and entitled to the benefits of the provision of the industrial insurance laws of the State of Washington, and the employees are hereby declared to be in extra-hazardous employment within the meaning of that act.

Employees subject to industrial insurance laws.

SEC. 7. All employees employed at the time of the acquisition of any ferry or ferry system by the Toll Bridge Authority shall have seniority rights to the position they occupy aboard said ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the Toll Bridge Authority.

Seniority rights of employees.

SEC. 8. Should any party assume the operation and maintenance of any ferry or ferry system by

Parties renting, leasing or chartering ferries bound by provisions of act.

rent, lease or charter from the Washington Toll Bridge Authority, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the Washington Toll Bridge Authority shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the Marine Employees Commission in accordance with the terms and provisions of this act and it shall further provide that all labor disputes shall be adjudicated by the Marine Employees Commission.

Repealing clause.

SEC. 9. All acts or parts of acts in conflict with or derogation of this act or any part of this act, be and the same are hereby repealed insofar as the same are in conflict with, or in derogation of this act or any part hereof.

Partial invalidity.

SEC. 10. If any section, sentence, clause or phrase of this act shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this act.

Emergency.

SEC. 11. 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 16, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 149.

[H. B. 373.]

OPTOMETRISTS.

AN ACT relating to the services of optometrists on behalf of persons receiving various types of public aid and health services; and forbidding discrimination among ocular practitioners.

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

SECTION 1. All agencies of the state and its subdivisions, and all commissions, clinics and boards administering relief, public assistance, public welfare assistance, social security, health insurance, or health service under the laws of this state, shall accept the services of licensed optometrists for any service covered by their licenses relating to any person receiving benefits from said agencies or subdivisions and shall pay for such services in the same way as practitioners of other professions may be paid for similar services. None of the said governmental agencies, or agents, officials or employees thereof, including the public schools, in the performance of their duties shall in any way show discrimination among licensed ocular practitioners.

Public aid and health services shall accept services of optometrists.

Payment for services.

Discrimination among optometrists forbidden.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 150.

[H. B. 349.]

SECURITIES—ISSUANCE AND SALE.

AN ACT relating to the issuance and sale of certain securities; providing for the regulation and supervision of such sales, and amending section 3, chapter 69, Laws of 1923, as last amended by section 2, chapter 189, Laws of 1947.

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

Amendment.

SECTION 1. Section 3, chapter 69, Laws of 1923, as last amended by section 2, chapter 189, Laws of 1947, is amended to read as follows:

Sale prohibited without a permit.

Section 3. No company, or underwriter thereof, shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue, until the company or an underwriter thereof shall have first applied for and secured from the Director of Licenses a permit authorizing the sale of such security: *Provided*, That in the case of a security issued by an unincorporated trustee or trustees of a common law trust, such application shall

Common law trusts.

Exceptions.

be made by an underwriter: *And provided further*, That this shall not apply to transactions not involving a public offering: *And provided further*, That this shall not apply to a sale for a delinquent stock assessment made in accordance with the provisions of the statutes of the State of Washington; nor shall it apply to original subscriptions to capital stock made by those who have signed the articles of incorporation of such corporation as bona fide incorporators thereof: *And provided further*, That said articles of incorporation are not signed by more than fifteen (15) persons and that no part of such original issue of capital stock is taken for the purpose of public distribution.

Passed the House February 25, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 151.

[H. B. 389.]

FOURTH CLASS CITIES AND TOWNS.

AN ACT authorizing fourth class towns to operate ambulance services; amending section 154, chapter VII, Laws of 1889, as last amended by section 1, chapter 214, Laws of 1945 (Rem. Rev. Stat. 9175).

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

SECTION 1. Section 154, chapter VII, Laws of 1889 as last amended by section 1, chapter 214, Laws of 1945 (Rem. Rev. Stat. 9175) is hereby amended to read as follows:

Section 154. The Council of said town shall have power:

Powers of city council of fourth class cities.

1. To pass ordinances not in conflict with the constitution and laws of this State, or of the United States;

Ordinances.

2. To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; the towns whose population shall be between 1250 and 1350 according to the 1940 Federal census shall have the power to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any water front;

Acquisition of land for municipal purposes.

Cemetery purposes.

3. To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

Water supply.

Streets, sidewalks, alleys and bridges.

4. To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

Planting of trees.

Drains and sewers.

5. To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers shall have been constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such Council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

Fire engines.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

Dog licenses.

7. To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

Property tax.

8. To levy and collect annually a property tax, for the payment of current expenses, not exceeding fifteen mills on the dollar; a tax for the payment of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar of the assessed value

of all real and personal property within such town: *Provided*, That if the qualified electors of any such town shall, at a special election to be held for that purpose, vote in favor of a larger levy for the payment of current expenses than fifteen mills on the dollar of assessed valuation, such larger levy for such purposes may be made accordingly;

9. To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

Licensing and regulating businesses.

Shows, exhibitions, and games.

Domestic animals.

Pound-keeper.

10. To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the water front of the town, and to construct and maintain embankments and other works to protect such town from overflow;

Improvement of rivers, streams and waterfront.

11. To erect and maintain buildings for municipal purposes;

Buildings for municipal use.

12. To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for

Franchises for use of public ways.

any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface aerial and underground tramways.

Houses of ill fame and gambling.

13. To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

Penalties for violation of ordinances.

14. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

Labor of prisoners.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

Ambulance service.

16. To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the Council, to make a charge for such service.

Ordinances, by-laws, rules, etc.

17. To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Passed the House February 24, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 152.

[H. B. 407.]

STATE UNIVERSITY AND COLLEGE—ACTIVITIES OF CERTAIN NONPROFIT CORPORATIONS.

AN ACT authorizing the Regents of the University of Washington and the State College of Washington to permit certain non-profit corporations to carry on activities upon the property of said schools under certain circumstances.

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

SECTION 1. The Boards of Regents of the University of Washington and the State College of Washington are hereby empowered to enter into agreements with corporations organized under sections 3863 to 3883, both inclusive, of Remington's Revised Statutes, whereby such corporations may be permitted to conduct on the University and the State College property devoted mainly to medical, educational or research activities, under such conditions as the Boards of Regents shall prescribe, any educational, hospital, research or related activity which the Boards of Regents shall find will further the objects of the University or the State College.

Boards of Regents may allow certain corporations to conduct activities.

SEC. 2. The Boards of Regents of the University of Washington and the State College of Washington may expend funds available to said institutions in any cooperative effort with such corporations which will further the objects of the University or the State College and may permit any such corporation or corporations to use any property of the University or the State College in carrying on said functions.

Boards may cooperate with and aid said corporations.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 153.

[H. B. 404.]

LICENSE FEES FOR SELLING, DISPENSING AND COMPOUNDING DRUGS AND MEDICINES.

AN Act relating to license fees for registered pharmacists, wholesale druggists, drug stores, pharmacies, dispensaries, shopkeepers, vendors and peddlers; prescribing additional fees for failure to pay renewal fees within ninety days from date due; amending sections 10, 11, 16 and 17-c, chapter 121, Laws of 1899, as last amended by sections 4, 5, 7 and 8, chapter 98, Laws of 1935 (sections 10135, 10136, 10141 and 10145, Rem. Rev. Stat. Supp.), and declaring an emergency.

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

Amendment. SECTION 1. Section 10, chapter 121, Laws of 1899, as last amended by section 4, chapter 98, Laws of 1935 (sec. 10135, Rem. Rev. Stat. Supp.), is amended to read as follows:

Pharmacist's certificate of registration. Section 10. Every person claiming registration as a graduate in pharmacy or as a licentiate of some other state board, shall, before a certificate be granted, pay the sum of ten dollars (\$10), and every applicant for registration by examination under this act shall pay the sum of ten dollars (\$10) before the examination be attempted: *Provided*, That in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge any time within one (1) year.

Examination for registration as a pharmacist.

Shopkeeper's license. Every shopkeeper not a pharmacist, desiring to secure the benefits and privileges of this act, is hereby required to secure a shopkeeper's license, and he or she shall pay the sum of five dollars (\$5) for the same, and annually thereafter the sum of five dollars (\$5) for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license fee remains unpaid for ninety (90) days from date due,

Overdue license fees.

no renewal or new license shall be issued except upon payment of an additional ten dollars (\$10).

SEC. 2. Section 11, chapter 121, Laws of 1899, as last amended by section 5, chapter 98, Laws of 1935 (sec. 10136, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

Section 11. Every registered pharmacist who desires to continue the practice of his profession shall annually on or before the first day of June of each year secure from the Board a renewal registration license, the fee for which shall be five dollars (\$5) for a pharmacist. Every certificate of registration or the current renewal thereof shall be conspicuously exposed in the drug store, pharmacy or dispensary to which it applies. Any registered pharmacist or shopkeeper who shall fail or neglect to conspicuously expose such certificates as are herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five (5) nor more than ten dollars (\$10), and the costs of the action. In event such pharmacist's license fee remains unpaid for ninety (90) days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars (\$10).

Renewal of registration license.
Fee.
Certificate conspicuously exposed.
Penalty for violation.
Overdue license fees.

SEC. 3. Section 16, chapter 121, Laws of 1899, as last amended by section 7, chapter 98, Laws of 1935 (sec. 10141, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

Section 16. Any itinerant vendor, shopkeeper, or any peddler of any medicine, drug, nostrum or ointment or preparation for the treatment of disease or injury, shall pay a license fee of five dollars (\$5) annually on or before the first day of June. The State Board of Pharmacy shall issue a license to such itinerant vendor or peddler on application made to the State Board of Pharmacy, such license to be signed by the president and attested by the secretary with the seal of the Board. Any such itinerant vendor

Itinerant vendors and peddlers licenses.

Penalty for
selling with-
out license.

or peddler who shall vend or sell, or offer to sell any such medicine, drug, nostrum or ointment or preparation without having a license to do so as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars (\$20) and not exceeding fifty dollars (\$50), for such offense, and each sale or offer to sell shall constitute a separate offense. In event such license fee remains unpaid for ninety (90) days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars (\$10).

Overdue li-
cense fees.

Amendment.

SEC. 4. Section 17-c, chapter 121, Laws of 1899, as added by section 12, chapter 213, Laws of 1909, as last amended by section 8, chapter 98, Laws of 1935 (sec. 10145, Rem. Rev. Stat. Supp.), is amended to read as follows:

Drugstores',
pharmacies'
and dispen-
saries'
license fees.

Section 17-c. The owner of each and every drug store, pharmacy or dispensary, shall pay a license fee of five dollars (\$5), and annually thereafter, on or before the first day of June, a like fee of five dollars (\$5), for which he shall receive a license and registration of location, which shall entitle the owner to operate such drug store, pharmacy or dispensary at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, file with the State Board of Pharmacy on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy, drug store, or dispensary mentioned therein. It shall be the duty of the owner to immediately notify the Board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary.

License and
registration
of location.

Declaration
of ownership
and location.

License and
registration
shall be
exhibited.

Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50); and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety (90) days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars (\$10).

Penalties for violations.

Overdue license fees.

SEC. 5. Within thirty (30) days after this act takes effect the owner of each and every place of business which sells drugs or drug sundries at wholesale shall pay a license fee of fifty dollars (\$50), and annually thereafter, on or before the first day of June, a like fee of fifty dollars (\$50), for which he shall receive a license and registration of location from the State Board of Pharmacy, which shall entitle such owner to sell drugs and drug sundries at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee to the State Treasurer file with the State Board of Pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the Board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50); and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety (90) days from date due, no renewal or new license shall be issued except upon

Wholesalers' license fees.

License and registration of location.

Declaration of ownership and location.

License and registration shall be exhibited.

Penalties for violations.

Sub-jobbers
exempt.

payment of an additional fifty dollars (\$50): *Provided*, That nothing in this act shall apply to sub-jobbers who wholesale patent and proprietary medicines of one manufacturer.

Emergency.

SEC. 6. 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 March 3, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 154.

[H. B. 91.]

ESTABLISHMENT OF SMALL BOAT FACILITIES
ON PUGET SOUND.

AN ACT providing for the establishment of small boat facilities on the waters of Puget Sound by the State Parks and Recreation Commission.

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

Small
pleasure
boat facili-
ties on Puget
Sound.

SECTION 1. In order to encourage the development of the Puget Sound country as a recreational boating area, the State Parks and Recreation Commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the Commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The State Parks and Recreation Commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the

State Parks and Recreation Commission shall be best calculated to facilitate the public enjoyment thereof.

Passed the House February 14, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 155.

[H. B. 256.]

FIRST CLASS SCHOOL DISTRICT BUDGETS.

AN ACT relating to education; providing procedures for making budgets in school districts of the first class, amending sections 2, 4 and 5, chapter 131, Laws of 1923, and declaring an emergency.

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

SECTION 1. Section 2, chapter 131, Laws of 1923, Amendment. is amended to read as follows:

Section 2. On or before the second day of April Preliminary budget. in each year the Board of Directors shall prepare the preliminary budget of the district for the ensuing fiscal year. Such budget shall set forth the complete financial program of the district for such ensuing fiscal year, showing in detail the expenditure program and the sources of revenue from which it is to be financed.

The revenue section shall set forth the estimated receipts from the various sources other than taxation for the ensuing fiscal year, the actual receipts for the last completed fiscal year, the probable surplus that will be on hand at the close of the current fiscal year, and the amount to be raised by taxation. Estimated receipts.

The expenditure section shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year and the expenditures for the last completed fiscal year. Each and every salary shall be set forth separately together with the title Expenditure section.

or position of the recipient: *Provided*, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

Amendment. SEC. 2. Section 4, chapter 131, Laws of 1923, is amended to read as follows:

Notice of completion of budget.

Section 4. The Board of Directors shall immediately after the compilation of said preliminary budget publish a notice stating that said Board of Directors has completed said preliminary budget and placed the same on file with the Clerk of said Board, that a copy thereof will be furnished any taxpayer who will call upon the said Clerk for it, and that said Board of Directors will meet on the first Friday in May thereafter for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the time and place of said meeting and state that any taxpayer may appear thereat and be heard for or against any part of such budget. Such notice shall be published once each week for two consecutive weeks immediately following the compilation of said preliminary budget in the official newspaper of the district, or if there be none, in a newspaper of general circulation in the county. The Board of Directors shall provide a sufficient number of copies of said detailed and comparative preliminary budget to meet the reasonable demands of the taxpayers therefor, and the same shall be made available for distribution not later than two weeks immediately preceding the said first Friday in May.

Amendment. SEC. 3. Section 5, chapter 131, Laws of 1923, is amended to read as follows:

Hearing. Section 5. On the first Friday in May the Board of Directors shall meet at the time and place designated in said notice whereat any taxpayer may appear and be heard for or against any part of such

budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of such hearing the Board of Directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes: *Provided*, That the estimates for the expenditures depending directly upon the September enrollment as to amount, as designated in section 3 hereof, shall be adopted tentatively, subject to revision in September as hereinafter provided.

Adoption of final budget.

SEC. 4. 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.

Emergency.

Passed the House February 18, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 156.

[H. B. 289.]

COUNTY ROADS.

AN ACT relating to counties, county roads and the powers and duties of County Commissioners and County Road Engineers; providing for one road district in each county; creating an Equipment Rental and Revolving Fund; amending section 56, chapter 187, Laws of 1937, as amended by section 7, chapter 82, Laws of 1943 (sec. 6450-56, Rem. Supp. 1943) and section 34, chapter 187, Laws of 1937, as amended by section 4, chapter 82, Laws of 1943 (sec. 6450-34, Rem. Supp. 1943) and providing effective date of certain provisions.

PREAMBLE.

This act is passed to insure efficiency in the planning, laying out, constructing, repairing, improvement, and maintenance of county roads through local administration to the end that there shall be full co-

Preamble.

ordination between the state and the counties but with a maximum of local autonomy and a minimum of state control.

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

Equipment rental and revolving fund created.

SECTION 1. There is hereby created in each county of the state a fund to be known as the "Equipment Rental and Revolving Fund." From and after January 1, 1950, this fund shall be used by the County Commissioners as a revolving fund to be expended only for (1) purchase of new or additional road equipment, (2) repair and/or maintenance of road equipment, (3) purchase of necessary supplies for operating road equipment, and (4) purchase or manufacture of road or bridge material in advance of its use. There shall be transferred monthly to the Equipment Rental and Revolving Fund from the County Road Fund the rental value of each item of road equipment used during the preceding month. The rental value shall be determined and fixed by the Board of County Commissioners and shall be sufficient to include (1) depreciation, (2) maintenance and/or repair, and (3) supplies consumed in operating such road equipment. There shall also be transferred to the Equipment Rental and Revolving Fund from the County Road Fund an amount equivalent to the actual cost of road or bridge material previously purchased or manufactured by the Equipment Rental and Revolving Fund, as such material is actually used. Proceeds from the sale of road equipment shall be placed in the Equipment Rental and Revolving Fund.

Equipment and materials owned by fund may be rented or sold.

County road equipment or materials owned by the Equipment Rental and Revolving Fund may be rented or sold to any agency of the United States of America, the State of Washington, and/or to any other county, city or town or other municipal corporation. The proceeds of such rental or sale shall

be placed in the Equipment Rental and Revolving Fund.

Disposition
of proceeds.

The Board of County Commissioners of any county may at any time alter or change the rental value of road equipment previously determined and fixed, or may transfer any excess funds accumulated in the Equipment Rental and Revolving Fund to the County Road Fund.

Change in
rental value.

Transfer of
excess funds.

All sums budgeted for purchase of road equipment by any county for the fiscal year 1950 only, shall be transferred from the County Road Fund to the Equipment Rental and Revolving Fund at the beginning of said fiscal year.

From and after January 1, 1950, it shall be unlawful for the County Commissioners of any county to charge the cost of (1) any new or additional road equipment, (2) the repair and/or maintenance of any road equipment, (3) supplies for operating road equipment, or (4) road or bridge material purchased or manufactured in advance of its use to any fund except to the Equipment Rental and Revolving Fund.

Cost of road
equipment
and supplies
chargeable
only to fund.

SEC. 2. The County Road Engineer shall maintain in his office complete and accurate records of all expenditures for (1) overhead and operations, (2) bond and warrant retirement, (3) maintenance, (4) construction, and (5) purchase of road equipment, and shall maintain a true and complete inventory of all road equipment. He shall also maintain accurate and current records of the amounts expended for or properly chargeable to each Commissioner's district for construction, special maintenance, maintenance and equipment rental. He shall also maintain such other records as may be necessary or proper for the efficient conduct of the county's road work. Equipment rental shall be charged to the respective road operations or projects for each day the equipment is in use on such work, or is held idle in the

County Road
Engineer
shall keep
certain
records.

Form and type of records to be prescribed.

district when demanded elsewhere, at the rates fixed by the County Commissioners. The Division of Municipal Corporations, with the advice and assistance of the Department of Highways, shall prescribe forms and types of records to be maintained by the County Road Engineers. No County Commissioner shall maintain official records which duplicate the records of the County Road Engineer or any part thereof.

Plans and specifications for road construction and maintenance.

SEC. 3. All road construction work, except minor construction work, which by its nature does not require plans and specifications, whether performed pursuant to contract or by day labor, shall be in accordance with plans and specifications prepared therefor by or under direct supervision of the County Road Engineer. All maintenance work on county roads shall be performed under supervision of the County Road Engineer.

Storage of road equipment and materials when not in use.

SEC. 4. After January 1, 1950, all county road machinery, equipment, stores and supplies, excepting stockpiles and other road building material, shall while not in use be stored and repaired at one centralized point in each county: *Provided*, That if the geography, topography, distance or other valid economic considerations require more than one place for storage or repairs, the County Commissioners may, by unanimous vote, authorize the same.

County Road Engineer shall file a long range road program.

SEC. 5. Within six (6) months after the effective date of this act each County Road Engineer shall prepare and file in writing with the Board of County Commissioners a long range road program for the laying out and construction of the county roads for a period of not less than the next ten (10) years. Currently with the filing of such program a copy thereof shall be transmitted to the Director of Highways.

Hearings on road program.

The Board of County Commissioners shall immediately consider the same and shall hold public hearings thereon within six (6) months. The Di-

rector of Highways shall be given ten (10) days' notice of the first meeting of the Board at which such program will be considered. The Board may alter such proposed long range road program as it sees fit, but it shall complete consideration of and shall adopt a long range road program within one (1) year after the effective date of this act. Such program may subsequently be revised by a majority of the Board but only after a public hearing thereon.

Notice of hearing to Director of Highways.

Board shall adopt long range road program.

Revisions.

SEC. 6. Section 56, chapter 187, Laws of 1937, as amended by section 7, chapter 82, Laws of 1943 (sec. 6450-56, Rem. Supp. 1943), is amended to read as follows:

Amendment.

Section 56. On or before the eighth day of June of each year the Director of Highways shall prepare and file with the Board of County Commissioners of each county an estimate of the amount of money which will be paid to such county for the forthcoming calendar year in order that each Board of County Commissioners may prepare the necessary county road budget. In the preparation and adoption of the county road budget of each county the Board of County Commissioners shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance; (4) construction and (5) operation of Equipment Rental and Revolving Fund; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Estimate of revenue.

Board to budget fund.

Upon the final adoption of the county road budgets of the several counties as provided by law, the Boards of County Commissioners shall file a copy thereof in the office of the Director of Highways.

Budget copy to Director of Highways.

In the event that any funds should be paid to any county from the Motor Vehicle Fund in excess of the amount estimated by the Director of Highways

Supplemental budget.

Publish notice of hearing.

Copies of budget for public.

Hearing.

Adoption of budget by resolution.

and such excess funds have not been included by the Board of County Commissioners in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of such county road budget, then the Board of County Commissioners may on the unanimous consent of such Board consider and adopt a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year. The Board of County Commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The Board of County Commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The Board of County Commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the Board of County Commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the Board, copies of which supplemental budget shall be forwarded, one to the

Director of Highways and one to the Division of Municipal Corporations.

SEC. 7. The laying out, construction and maintenance of all county roads shall hereafter be in accordance with the following procedure:

Procedure for laying out, construction and maintenance of county roads.

On or before the first Monday in July of each year each County Road Engineer shall file with the Board of County Commissioners a recommended plan for the laying out, construction, maintenance and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

Recommended plan.

Items included in plan.

Expenditures to be recommended.

Shall conform to long range road plan.

Within two (2) weeks after the filing of the Road Engineer's recommended plan, the Board of County Commissioners shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the Commissioners has been adopted: *Provided*, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

Adoption of recommended plan by Board.

Proviso.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the County Commissioners.

Changes in plan.

Resolution limiting use of county roads and bridges.

SEC. 8. The Board of County Commissioners of each county may by resolution limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel thereon. Any such resolution shall be effective for a definite period of time which shall be stated in the resolution. If such resolution is published at least once in a newspaper of general circulation in the county and if signs indicating such closure or limitation of traffic have been posted on such road or bridge, any person violating such resolution shall be guilty of a misdemeanor.

Penalty for violations.

Amendment.

SEC. 9. Section 34, chapter 187, Laws of 1937, as amended by section 4, chapter 82, Laws of 1943 (sec. 6450-34, Rem. Supp. 1943), is amended to read as follows:

May employ day labor.

Section 34. The Board of County Commissioners may, in its discretion, cause any county road to be constructed or improved by day labor in the amount not to exceed twenty-five thousand dollars (\$25,000) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of twenty-five thousand dollars (\$25,000) shall be performed by contract as in this act provided. In the event that the Board of County Commissioners should determine that any construction should be performed by day labor, as provided in this section, and the estimated cost of such work exceeds twenty-five hundred dollars (\$2500), it shall cause to be published in one issue of a paper of general circulation in the county a brief description of the work to be done and the County Road Engineer's estimate of the cost thereof. At the completion of such construction, the Board of County Commis-

Limitation.

Proviso.

Work by contract.

Publication of estimate of cost.

sioners shall cause to be published in one issue of a paper of general circulation in the county a similar brief description of such work together with an accurate statement of the true and complete cost of the performing of such construction by day labor.

Publication
of statement
of cost.

Failure to make publication as herein required shall subject each County Commissioner to a fine of one hundred dollars (\$100) for which they shall be liable individually and upon the official bond of each and it shall be the duty of the Prosecuting Attorney to file information and prosecute for violation of the provisions of this section.

Penalty for
failure to
publish.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 157.

[H. B. 325.]

MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT.

AN ACT relating to motor vehicles and motor vehicle equipment; amending sections 29 and 85, chapter 189, Laws of 1937, as last amended by section 2, chapter 200, and sections 6 and 9, chapter 267, Laws of 1947, and further amending chapter 189, Laws of 1937, as last amended by chapter 267, Laws of 1947, by adding thereto after section 21, a new section to be known as section 22.

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

SECTION 1. Chapter 189, Laws of 1937, as amended by chapter 267, Laws of 1947, is amended by adding thereto after section 21, a new section to be known as section 22, reading as follows:

Amendment.

Section 22. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of

Spot lamps.

the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

Auxiliary driving lamps.

Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands, but in no event shall the center of such lamps be higher than a line drawn horizontally through the center of the headlamps of such vehicle.

Amendment.

SEC. 2. Section 29, chapter 189, Laws of 1937, as amended by section 2, chapter 200, Laws of 1947, and section 6, chapter 267, Laws of 1947, is amended to read as follows:

Red light not to be visible from directly in front.

Section 29. No person shall drive or move any vehicle or equipment upon any public highway with any lamp or device thereon displaying a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles or vehicles of the Department of Highways of the State of Washington which present a danger by the nature of their necessary operation.

Exceptions.

Flashing lights.

Flashing lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, vehicles of the Department of Highways of the State of Washington which present a danger by the nature of their necessary operation, or on any vehicle as a means for indicating a right or left turn.

Amendment.

SEC. 3. Section 85, chapter 189, Laws of 1937, as last amended by section 9, chapter 267, Laws of 1947, is amended to read as follows:

Operators' signals while in vehicle, stopping, turning, etc.

Section 85. It shall be the duty of every person operating a vehicle upon any public highway and intending to turn from a standstill or while in motion intending to turn or stop, to give a timely signal from the left-hand side of such vehicle indicating the direction in which he intends to turn or that he intends to stop, as follows: If he intends to

turn to the left he shall extend his arm in a horizontal position from the left side of such vehicle continuously for a reasonable length of time; if he intends to turn to the right he shall extend his arm from the left side of the vehicle with his forearm raised vertically continuously for a reasonable length of time; if he intends to stop he shall extend his arm from the left side of such vehicle with his forearm lowered vertically continuously for a reasonable length of time. For the purpose of this section, a reasonable length of time shall be that time required to traverse a distance in feet equal to five times the maximum speed in miles per hour allowed by law during the approach to the point of turning or stopping.

The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the State Commission on Equipment, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or device. All vehicles whose body or load extends or protrudes twenty-four (24) inches or more to the left of the steering post of the said vehicle and such body or load rises above the lower edge of the operator's window opening shall be equipped with mechanical or electrical signal devices capable of displaying such signals.

Signals to be given by hand and arm or other signal devices.

Devices required on certain vehicles.

Passed the House February 23, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 158.

[H. B. 447.]

LIMITATIONS ON TAX REFUNDS.

AN ACT relating to refunds of excess property taxes paid under certain circumstances; and amending section 5, chapter 16, Laws 1939, as previously amended.

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

Amendment.

SECTION 1. Section 5, chapter 16, Laws of 1939, as amended by section 1, chapter 154, Laws of 1941, is amended to read as follows:

Limitation of action.

Section 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 unless filed within three (3) years after the year in which the tax became payable or purported to become payable. The maximum refund under the authority of this act for each year involved in the taxpayer's petition shall be two hundred dollars (\$200). Should the amount of excess tax for any such year be in excess of two hundred dollars (\$200), a refund of two hundred dollars (\$200) shall be allowed under this act, without prejudice to the right of the taxpayer to proceed as may be otherwise provided by law to recover the balance of the excess tax paid by him.

Maximum refund.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 159.

[H. B. 517.]

SALE OF STATE TIMBER.

AN ACT relating to state lands; providing for the sale of salvable wind thrown, fire and insect-killed timber, and amending section 1, chapter 175, Laws of 1933.

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

SECTION 1. Section 1, chapter 175, Laws of 1933, Amendment. is amended to read as follows:

Section 1. The area of state lands embraced within townships 24, 25, 26, 27 and 28 north, ranges, 10, 11, 12, 13, and 14 W. W. M., except isolated tracts not contiguous to other tracts therein, are hereby set aside and established as "state sustained yield forest No. 1." All of said lands are hereby reserved from sale and the timber thereon, except salvable wind thrown, fire-killed and insect-killed trees, shall be sold under the "sustained yield plan," which, for the purposes of this act, is defined to mean a plan by which the yield or cut of timber is managed in such way as to permit so far as economically possible, the removal of approximately equal volume of timber annually or periodically equal to the increment. The timber of said forest shall be administered and sold in the same manner as the timber on common school lands of the state, except as otherwise provided herein.

State sustained yield forest No. 1.

Wind thrown, fire killed and insect-ridden trees may be sold.

Administration of forest.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 160.

[H. B. 113.]

PRESERVATION AND EXHIBITION OF HISTORICAL MATERIALS.

AN ACT relating to historical materials, their preservation and exhibition, authorizing the governing bodies of counties, cities and towns to afford facilities therefor.

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

Storage, preservation and exhibition of historical materials is public project.

SECTION 1. The storage, preservation and exhibit of historical materials, including but not restricted to books, maps, writings, newspapers, ancient articles and tools of handicraft, antiques, artifacts and relics is hereby declared to be a public project carried on for public purpose and the governing body of any county, city or town may provide quarters therefor within the territorial limits thereof.

Quarters may be provided.

Maximum amount counties may spend.

SEC. 2. The maximum amount which any county may expend for this purpose in any one year shall be as follows:

(1) For a county with a population of not over twenty-five thousand, the limit shall be two thousand dollars;

(2) For a county with a population of not over fifty thousand, the limit shall be thirty-five hundred dollars;

(3) For a county with a population of over fifty thousand, the limit shall be five thousand dollars.

Custody may be given to an historical society.

SEC. 3. A county, city or town which has provided quarters for the storage, preservation of [or] exhibit of historical materials may award custody thereof, as trustee, to the Washington State Historical Society, or the Eastern Washington State Historical Society or any society affiliated with or approved by either of them.

Passed the House February 2, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 161.

[H. B. 612.]

ELECTIONS.

AN ACT relating to elections and voting; providing for time and manner of holding and calling certain city, town and district elections; conferring certain powers and duties in connection therewith upon the Secretary of State, and amending section 2, chapter 61, Laws of 1921, as last amended by section 1, chapter 182, Laws of 1927, section 1, chapter 170, Laws of 1921, as amended by section 1, chapter 279, Laws of 1927, section 5, chapter 194, Laws of 1945, as amended by section 3, chapter 234, Laws of 1947, section 8, page 403, Laws of 1889-90, as last amended by section 4, chapter 234, Laws of 1947, section 11, page 404, Laws of 1889-90, as last amended by section 5, chapter 234, Laws of 1947, and section 8, chapter 209, Laws of 1907, as last amended by section 2, chapter 234, Laws of 1947.

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

SECTION 1. Section 2, chapter 61, Laws of 1921, Amendment.
as last amended by section 1, chapter 182, Laws of 1927, is amended to read as follows:

Section 1. All city, town, school district, park district, irrigation district, dike district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, water district, fire district, hospital district, ferry district, sewer district and all other municipal and district elections excepting port district and public utility district elections, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in Class A counties and counties of the first class on the second Tuesday in March in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time of holding elections for the recall of city, town or district officers: *Provided, however*,

Municipal and district elections in Class A and first class counties.

Port and public utility districts excluded.

Date of election.

Proviso.

Special election in emergency.

That the County Auditor as ex officio supervisor of elections, when in his judgment an emergency exists, whenever requested so to do by a resolution of the governing board of any such municipality or district, may call a special election at any time in any such municipality or district, and at any such special election said County Auditor may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law: *And provided further*, That this act shall not apply to irrigation districts in first class counties, but such irrigation district officers shall be elected and qualified for the terms at the time and in the manner provided by laws relating specifically to irrigation districts.

Irrigation districts in first class counties excluded.

Amendment.

SEC. 2. Section 1, chapter 170, Laws of 1921, as amended by section 1, chapter 279, Laws of 1927, is amended to read as follows:

Elections in cities and towns in other than Class A and first class counties.

Section 1. All city and town elections, other than in Class A and first class counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such city or town, of any question for their adoption and approval, or rejection, shall be held on the second Tuesday of March in the year in which they may be called. All school district elections, other than in Class A and first class counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such district, of any question for their adoption and approval, or rejection, shall be held on the first Saturday in February: *Provided, however*, That all elections affected by this section that would have been held during the year 1949, but for this act, shall be held on the dates provided herein during the year 1950: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city or district officers or primary elec-

Date of election.

School district elections.

Date of election.

Excluded elections.

tion or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter: *Provided further*, That whenever in the judgment of the governing board, an emergency exists, such board may, by resolution, call a special election at any time in such municipality or district, and at any such special election said governing board may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law.

Special election in emergency.

SEC. 3. All primaries for all cities of the first, second and third class named in this act, irrespective of type or form of government shall be nonpartisan and held four (4) weeks prior to the municipal general election. All names of candidates to be voted upon at city primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the municipal general election ballot under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the municipal general election ballot so that the voter shall have a choice of two candidates for each position: *Provided*, That no name of any candidate shall appear on the city general election ballot unless said candidate shall receive at least ten per centum (10%) of the total votes cast for that office. The

Primary elections in first, second and third class cities.

sequence of names of candidates printed on the municipal general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the municipal primary and general election ballot need not be rotated: *Provided, further,* That no provision of this section in conflict with the primary election provisions contained in charters of cities of the first class shall be effective.

Candidates nominated in fourth class cities.

Notice of nomination caucus.

SEC. 4. Fourth class municipalities shall not hold primaries but shall nominate candidates by party caucus to be held therein. Notice of such nominating caucus shall be given by one publication of general circulation within the community at least ten (10) days prior to the date fixed for the holding thereof. In the event no such publication is available then notice shall be given by posting at the three (3) most prominent places in the town. The caucus shall be held in such manner as shall be determined by ordinance of the town council.

Conducting and canvassing of elections.

SEC. 5. All elections held under section 1 of this act shall be conducted by the County Auditor as ex officio County Supervisor of Elections and shall be canvassed by the County Canvassing Board of Election Returns. All elections held under section 2 of this act shall be conducted and canvassed by the local municipal or district officers normally charged with the conducting of said elections.

Amendment.

SEC. 6. Section 5, chapter 194, Laws of 1945, as amended by section 3, chapter 234, Laws of 1947, is amended to read as follows:

Filing candidacy in elections in first, second and third class cities.

Section 5. All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty (60) nor less than forty-five (45) days prior to the day of the primary with the clerk thereof.

All candidates for district offices shall file declarations of candidacy not more than sixty (60) nor less than forty-five (45) days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That this act shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five (5) days after the last day allowed for filing declarations of candidacy.

Filing of
candidacy
for district
offices.

Withdrawal
of candidacy.

The City Clerk in Class A or first class counties shall transmit to the County Auditor at least thirty-five (35) days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

Certified list
of candidates
in Class A
and first
class
counties.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections.

Fees.

SEC. 7. Section 8, page 403, Laws of 1889-90, as last amended by section 4, chapter 234, Laws of 1947, is amended to read as follows:

Amendment.

Section 8. Certificates of nomination by clerks of fourth class towns, in Class A and first class counties, showing who has been nominated and for what office therein, shall be filed with the County Auditor not less than twenty (20) days before the election.

Filing of cer-
tificates of
nominations
in fourth
class cities.

SEC 8. Section 11, page 404, Laws of 1889-90, as last amended by section 5, chapter 234, Laws of 1947, is amended to read as follows:

Amendment.

Section 11. Any person nominated for public office at a September primary may at least twenty-five (25) days before election notify in writing the officer who issues the certificate of nomination that he declines the nomination, whereupon the nomination shall be void.

Decline of
nomination.

Any person nominated for public office at other than a September primary may at least twenty (20) days before election notify in writing the officer who issues the certificate of nomination that he declines the nomination, whereupon the nomination shall be void.

Date of commencement of term of officers.

SEC. 9. The term of every city, town and district officer, excepting school district officers, elected to office on the second Tuesday in March shall begin on the first Monday in June following his election. The term of every officer in first, second and third class school districts shall begin on the twentieth day following his election. Any person elected to office at the first election held under this act shall not take office until the expiration of the term of office of his predecessor. Any person whose term of office shall expire prior to the holding of the first election under this act, shall continue to hold office until his successor is elected and qualified.

Amendment.

SEC. 10. Section 8, chapter 209, Laws of 1907, as last amended by section 2, chapter 234, Laws of 1947, is amended to read as follows:

List of candidates.

Section 8. At least thirty-five (35) days before any September primary, the Secretary of State shall transmit to each County Auditor a certified list, containing the name, post office address and party designations of each person to be voted for at such primary, and the office for which he is a candidate as appears by the nomination papers filed in his office.

Notice of primary election.

Notice for any primary election shall be given by publication not more than ten (10) nor less than three (3) days prior to the primary election by the County Auditor or City Clerk as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration

Contents of notice.

of candidacy to be voted upon at that primary election, the hours during which the polls will be open, and that the election will be held in the regular polling place in each precinct, giving the address of each polling place: *Provided*, That the names of all candidates for non-partisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for the holding of any primary election.

Non-partisan
offices.

Each County Auditor or City Clerk as the case may be shall at least twenty-five (25) days before any primary, have prepared sufficient ballots for use by absentee voters.

Absentee
ballots.

SEC. 11. Notice for any state, county, district, or municipal general election shall be given by publication not more than ten (10) nor less than three (3) days prior to the general election by the County Auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: *Provided*, That the names of all candidates for non-partisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general election.

Notice of
general
election.

Contents of
notice.

Non-partisan
offices.

SEC. 12. The Secretary of State through his election division shall be the chief election officer for all state, city and town elections and it shall be his duty to keep records of such elections held in the state

Secretary of
State is chief
election
officer.

and to make such records available to the public upon request.

Secretary of State to make rules and regulations.

SEC. 13. The Secretary of State shall make rules and regulations not inconsistent with the state, city and town election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures.

Passed the House March 3, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 162.

[H. B. 202.]

RENTING OR LEASING OF LANDS HELD FOR STATE HIGHWAY PURPOSES.

AN ACT relating to state highways; providing that the Director of Highways may rent, lease and administer certain highway property, and providing disposition of monies received therefrom.

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

Unused state highway lands may be rented or leased.

SECTION 1. The Director of Highways is authorized to rent or lease any lands, including improvements thereon, which are held for state highway purposes and are not presently needed therefor, upon such terms and conditions as the Director may determine, and to maintain and care for such property in order to secure rent therefrom.

Disposition of monies collected.

SEC. 2. All monies paid to the State of Washington under any of the provisions hereof shall be deposited in the Motor Vehicle Fund.

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 163.

[H. B. 257.]

TERMS OF MUNICIPAL AND DISTRICT OFFICERS.

AN ACT fixing the time of the commencement of terms of municipal and district officers, amending section 4, chapter 61, Laws of 1921, and declaring an emergency.

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

SECTION 1. Section 4 chapter 61, Laws of 1921, is amended to read as follows:

Section 4. The term of every city, town and district officer elected under the provisions of this act except the term of a director of a school district of the first class shall begin on the first Monday in June following his election. The term of every director of a school district of the first class who is elected to office at any election held after the effective date of this act shall begin on the twentieth day following his election.

Time of commencement of terms of city, town and district officers.

SEC. 2. 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.

Emergency

Passed the House February 18, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 164.

[H. B. 272.]

CITY STREETS.

AN ACT relating to city streets, providing for the classification thereof, and providing for the fixing of design standards applicable to certain classifications; providing for the maintaining of records relating to state aid for streets; and declaring an emergency.

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

Classification and designation of city streets.

SECTION 1. Within ninety (90) days of the effective date hereof and from time to time thereafter the governing body of each municipal corporation shall classify and designate city streets as follows:

Major arterials.

Major arterials, which are defined as transportation arteries which connect the focal points of traffic interest within a city; arteries which provide communications with other communities and the outlying areas; or arteries which have relatively high traffic volume compared with other streets within the city;

Secondary arterials.

Secondary arterials which are defined as routes which serve lesser points of traffic interest within a city; provide communication with outlying districts in the same degree or serve to collect and distribute traffic from the major arterials to the local streets;

Access streets.

Access streets which are defined as land service streets and are generally limited to providing access to abutting property. They are tributary to the major and secondary thoroughfares and generally discourage through traffic.

State Design Standards Committee.

SEC. 2. There is hereby created a State Design Standards Committee of seven (7) members, six (6) of which shall be appointed by the executive committee of the Association of Washington Cities to hold office at its pleasure and the seventh to be the Assistant State Director of Highways in charge of state aid. The members to be appointed by the exec-

utive committee of the Association of Washington Cities shall be restricted to the membership of said association or to those holding office and/or performing the function of chief engineer in any of the several municipalities of the state.

SEC. 3. On or before January 1, 1950, and from time to time thereafter the Design Standards Committee shall adopt uniform design standards for major arterial and secondary arterial streets.

Uniform designs standards to be adopted.

SEC. 4. Upon the adoption of uniform design standards the governing body of the several municipalities shall apply the same to all new construction on, and as far as practicable and feasible to reconstruction of old, major arterial and secondary arterial streets within the said municipalities. No deviation from such design standards as to such streets shall be made without the approval of the Assistant State Director of Highways for state aid.

Municipalities shall apply standards.

SEC. 5. The City Engineer or the City Clerk of each city or town shall maintain records to accurately reflect the receipt and expenditure of all moneys used for construction, repair or maintenance of streets and arterial highways.

Record of receipt and expenditures.

In order to assist in maintaining uniformity in such records, the Division of Municipal Corporations, with the advice and assistance of the Department of Highways, shall prescribe forms and types of records to be so maintained.

Forms and types of records.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health, safety and welfare, and shall take effect immediately.

Emergency.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 165.

[H. B. 273.]

COUNTY ROADS.

AN ACT relating to county roads, providing for the classification thereof, and providing for the fixing of design standards applicable to certain classifications; and declaring an emergency.

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

Classification and designation of county roads.

SECTION 1. Within ninety days of the effective date hereof and from time to time thereafter the Board of County Commissioners of each county shall classify and designate as the county primary road system such trunk, connecting and feeder roads as, when integrated with state highways, city streets and adjoining county roads, will admit of the application of design standards and will best serve the major traffic needs of the county.

State Design Standards Committee created.

SEC. 2. There is hereby created a State Design Standards Committee of seven members, six of which shall be appointed by the executive committee of the Washington State Association of County Commissioners to hold office at its pleasure and the seventh to be the Assistant State Director of Highways in charge of state aid. The members to be appointed by the executive committee of the Washington State Association of County Commissioners shall be restricted to the membership of said association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state.

Uniform design standards to be adopted.

SEC. 3. On or before January 1, 1950, and from time to time thereafter the Design Standards Committee shall adopt uniform design standards for the county primary road systems.

SEC. 4. Upon the adoption of uniform design standards the Board of County Commissioners of

each county shall apply the same to all new construction within, and as far as practicable and feasible to reconstruction of old roads comprising, the county primary road system. No deviation from such design standards as to such primary system shall be made without the approval of the Assistant State Director of Highways for state aid.

Counties shall apply standards.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health, safety and welfare, and shall take effect immediately.

Emergency.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 166.

[S. H. B. 276.]

SELF SUPPORT AID TO THE BLIND.

AN ACT providing for self-supporting aid to the blind; and amending sections 2 and 4, chapter 132, Laws of 1937, relating to aid for the needy blind.

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

SECTION 1. The purpose of this act is to provide a plan for this state whereby the blind residents of this state may be encouraged to take advantage of and to enlarge their economic opportunities, to the end that they may render themselves independent of public assistance and become entirely self-supporting.

Purpose of act.

To achieve this objective, resources and income beyond the necessities of bare decency and subsistence are required. This act, by allowing the retention of necessary income and resources by those of the blind showing a reasonable probability of being able and willing to undertake the acquisition of resources and income necessary for self-support, will

encourage them in their efforts to become self-supporting.

Act to be liberally construed.

SEC. 2. The provisions of this act shall be liberally construed to effect its objects and purposes.

Qualifications of recipient.

SEC. 3. Aid shall be granted under the provisions of this act to the applicant who:

16 years of age.

(a) Has reached his sixteenth (16th) birthday and is found not to be acceptable for education at the State School for the Blind;

Is blind.

(b) Is blind; that is, who is unable, by reason of loss or impairment of sight, to provide himself fully with the necessities of life;

Is without sufficient resources.

(c) Is without income and resources through his own means, as defined under this act, sufficient to provide a reasonable and decent standard of living;

Has been a resident of this state a certain number of years.

(d) Has been a resident of this state for a period of three (3) years immediately preceding the filing of his application if he is between the ages of sixteen (16) and twenty-one (21), or if over twenty-one (21) who has been a resident for at least five (5) years within the ten (10) years immediately preceding the date of such application; or who has become blind while a resident of this state and has been a resident of this state for a period of six (6) months immediately preceding the filing of his application;

Not an inmate of a state supported institution.

(e) Is not an inmate of an institution, supported in whole or in part by this state or any of its political subdivisions: *Provided*, That a patient of a public hospital, for a period not exceeding thirty (30) days, or an employee of a shop which, though supported by this state, does not furnish board and room, or a student attending any public high school or institution of higher learning, shall not be considered such an inmate: *And provided*, That any person may apply for aid under this act while he is such an inmate and may remain an inmate until he receives his first monthly payment, whereupon he shall cease

to be such inmate: *And provided further*, That if a recipient becomes ineligible for aid because of confinement in an institution or hospital, the order suspending his aid shall provide for its restoration if he is eligible immediately upon his discharge;

(f) Does not publicly solicit alms, whether in person or by proxy, and whether by the wearing, carrying, or exhibiting of signs denoting blindness for the purpose of securing alms, or by the carrying of receptacles therefor, or by begging;

Does not publicly solicit alms.

(g) Is not a recipient of aid under the old age assistance or aid to the needy blind laws of this state; and

Is not a recipient of other state aid.

(h) Possesses a reasonably adequate plan for self-support and gives evidence that he is attempting to carry out that plan through a sincere and sustained effort.

Possesses a plan of self support.

SEC. 4. Any person who, in order to obtain for himself or another the aid provided in this act, knowingly makes a false statement under oath shall be deemed guilty of perjury. Any aid or portion thereof fraudulently obtained under this act shall be restored to this state by the recipient and all actions necessary to secure restoration may be brought against him.

Use of false statements to obtain aid is perjury.

Restitution of funds.

SEC. 5. The applicant shall file with the County Welfare Department an application, accompanied by an affidavit signed by himself, stating his age, sex, places of residence, his financial resources and income, the degree of his blindness, how long he has been blind, what employment and education he has had, his general physical condition, and such other statistical data as may be essential to determine eligibility, and a statement of his plan looking toward self-support.

Application for aid and affidavit.

Contents of affidavit.

Investigation shall be completed within thirty (30) days from date of application and written notice of the decision shall be given the applicant. Failure

Investigation.

to complete determination of eligibility may be considered a denial.

If upon investigation, the County Welfare Department determines that the applicant is eligible for "self-supporting" aid under this act, it shall grant such aid the first of the month following completion of eligibility.

Annual review of each case.

The County Welfare Department shall review the case of each recipient at least once annually and shall redetermine whether he is eligible for aid under this section.

After acquired property and income of recipient.

SEC. 6. If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of assistance it shall be the duty of the recipient immediately to notify the local administrative office of the receipt or possession of such property or income and the local administrative board may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into possession of such property or income and in excess of his need shall be recoverable by the state as a debt due to the state.

Ownership of real and personal property by blind person.

SEC. 7. No blind person shall receive "self-supporting" aid under the provisions of this act who owns personal or real property, or both, the assessed valuation of which, less all encumbrances thereon of record, is in excess of four thousand dollars (\$4,000).

Certain life insurance policies not personal property.

The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient, which has or have been in effect at least five (5) years prior to the date of application if cash surrender value of the policy or policies does not exceed one thousand dollars (\$1,000).

No life insurance policy shall be valued at more than its cash surrender value to the applicant or recipient. Premiums paid on life insurance policies by other persons shall not be deemed income or resources and no deductions therefor shall be made from the amount of aid granted under this act.

Maximum
value of
policies.

Premiums
paid by other
persons.

Nor shall the term "personal property" include interment plots, or money placed in trust or insurance for interment or funeral expenses, or any contract rights connected therewith, if such money, insurance, or contract rights does not exceed five hundred dollars (\$500) in value.

Interment
plots and
funeral ex-
pense insur-
ance not
personal
property.

An applicant's or recipient's share of any estate, which share has not been distributed, and of which he has no present economic use, does not constitute property for the purpose of this act.

Undistrib-
uted share
of an estate
not property.

SEC. 8. A recipient shall be entitled to that amount of aid which, when added to his net income in excess of one thousand and forty dollars (\$1,040), shall equal not more than sixty dollars (\$60) per month.

Amount
of aid.

Net income from any one or more of the following sources shall be considered in computing the total value of one thousand and forty dollars (\$1,040) per annum:

(a) Income from applicant's or recipient's labor or services;

(b) The value of foodstuffs produced by him or his family for the use of himself or that of his family;

(c) The value of firewood and/or water produced on his own premises or given to him by another for his use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by him;

(f) The net income from real and personal property owned by him;

(g) Cash income from any other source.

Treatments and operations to prevent blindness or restore sight.

SEC. 9. The privilege of treatment and operations for the prevention of blindness or the restoration of sight available to the needy blind shall be available to the persons receiving self-supporting aid under this act.

Involuntary conversion of real property into personal property.

Any proceeds from involuntary conversion of real property into personal property (such as from condemnation or eminent domain proceedings) received by a self-supporting recipient shall be considered real property for a period of one (1) year from the time of its receipt.

Aid inalienable.

All aid given under this act shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise, and in case of bankruptcy, the aid shall not pass through any trustee or other person acting on behalf of creditors.

Appeal from denial of aid.

SEC. 10. If the blind person's application for "self-supporting" aid is denied, he or she shall have the right to appeal in the same manner as provided for appeals by a "needy" blind person from an adverse ruling or decision of the State Department of Social Security.

Administration of "self-supporting" aid.

SEC. 11. The administration of "self-supporting" aid for blind persons is vested in the State Department of Social Security and in the counties to be administered in accordance with the provisions of law applicable to aid to the needy blind. Unless otherwise expressly provided in this act, all provisions of law applicable to the powers and duties of the Department and the counties with respect to the needy blind shall apply to the powers and duties of the Department and the counties with respect to "self-supporting" aid provided herein.

The Department of Social Security, through the Division of the Blind, shall supervise the administration of the provisions herein.

Cooperation with United States.

The State Director of the Department of Social Security is hereby empowered and authorized to

cooperate with the United States government or any of its agencies in any reasonable manner as may be necessary to qualify for Federal assistance to the "self-supporting" blind.

SEC. 12. 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 invalid or unconstitutional.

Partial
invalidity.

SEC. 13. Section 2, chapter 132, Laws of 1937, is amended to read as follows:

Amendment.

Section 2. *Employees of Division.* The Director shall appoint and depute an Assistant Director to be known as the Supervisor of the Division for the Blind, who shall have charge and supervision of the Division and have power, with the approval of the Director of Social Security to appoint and employ such assistants and personnel as may be necessary to carry on the work of the Division. Such assistants and personnel shall be selected upon the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of the State of Washington at the time of their selection. In appointing and employing supervisory and administrative assistants and personnel to carry into effect the provisions of this act, the Supervisor shall give preference under the merit system to qualified and available blind persons up to fifty per cent (50%) of said personnel.

Supervisor
of Division
for the
Blind.

Employment
of personnel.

Preference
to blind
persons.

SEC. 14. There is hereby appropriated from the General Fund to the Department of Social Security a sum sufficient to carry out the aid to "self-supporting blind" provisions of this act.

Appropriation.

SEC. 15. Section 4, chapter 132, Laws of 1937, is amended to read as follows:

Amendment.

Section 4. *Vocational Aid and Training.* The Department of Social Security through the Division

Vocation aid
and training.

for the Blind may maintain or cause to be maintained, in cooperation with the Division of Vocational Rehabilitation of the State Board of Vocational Education, services for vocational aid and training the objects of which shall be:

(a) To maintain a subdivision for the blind, supervised by a blind or partially blind person when available and qualified, and employing blind or partially blind persons when available and qualified and charged with the placing of blind persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor;

(b) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries;

(c) To establish and/or maintain one or more training schools and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind person and to devise means for the sale and distribution of the products thereof;

(d) To arrange for special education and/or training in the trades, business or professions under a vocational plan, and if the same cannot be obtained within the state arrangements shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state shall be furnished where there is need.

(e) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials and/or machinery to them, and/or by providing them with financial assistance to enable them to take advantage of all laws of the United States providing assistance and aid to the blind, in the form of matching funds, and also

(f) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living.

Passed the House March 3, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 167.

[H. B. 302.]

AGRICULTURE—FEEDS, FERTILIZERS AND LIVESTOCK REMEDIES.

AN ACT relating to the Department of Agriculture, clarifying and enlarging the definitions of, and the labeling requirements for, concentrated commercial feeding stuffs, declaring unlawful certain practices in the preparation and sale of feeds and amending sections 9, 33, 36 and 37 of chapter 211, of the Laws of 1939, the same being sections 7016-9, 7016-33, 7016-36 and 7016-37, of Remington's Revised Statutes, 1939 Supp.

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

SECTION 1. Section 9, of chapter 211 of the Laws of 1939 (section 7016-9, Remington's Revised Statutes, 1939 Supp.) is hereby amended to read as follows: Amendment.

Section 9. Exclusive of the definitions provided in this act, the definitions and methods of analysis of commercial feeding stuff regulated by this act shall be as defined by the annual official publication of the Association of American Feed Control Officials, Inc., as of June 1, 1949; the definitions and methods of analysis of fertilizer terms regulated by this act shall be as defined by the official publication of the American Association of Official Agricultural Chemists as of June 1, 1949; and the definitions of livestock remedies shall be as defined in the official publication of the Pharmacopoeia of the United States of America as of June 1, 1949. The Director Feed stuffs and fertilizer defined.

Revision of definitions.

is hereby authorized to amend, revise or add to said definitions and methods of analysis whenever he shall find the same to be necessary to prevent misbranding, adulteration or other deviation from the standards prescribed by this act.

Amendment.

SEC. 2. Section 33 of chapter 211 of the Laws of 1939 (section 7016-33, Remington's Revised Statutes, 1939 Supp.) is hereby amended to read as follows:

"Commercial feeding stuff" defined.

Section 33. The term "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: *Provided, however,* That the expression "commercial feeding stuff" shall not include whole hay, straw, stover, and silage, 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, peas, or other cereal, and no part of the whole removed: *Provided, further,* That the Director will permit the sale as such, or use as an ingredient in manufactured feeds of recleaned screenings containing singly or in any combination whole, weevily or cracked peas, wheat, wheat white caps, barley, oats, rye, but not including more than one per cent (1%) of all other materials, and under such conditions and safeguards as he may prescribe, of any materials not conforming to analysis standards and restrictions elsewhere set forth in the act, when sold singly or when mixed with molasses, or when incorporated in a commercial feeding stuff.

Amendment.

SEC. 3. Section 36, of chapter 211 of the Laws of 1939 (section 7016-36, Remington's Revised Statutes, 1939 Supp.) is hereby amended to read as follows:

Tag or label required on shipments.

Section 36. (a) Any person who shall sell, offer, or expose for sale in this state any 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 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 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 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 fibre, which shall not exceed ten per cent (10%), and crude ash which shall not exceed twelve per cent (12%) except in cases where a higher limitation may be permitted by the Director after consultation with the Washington State College and interested industry representatives; and a list of the ingredients from which the commercial feeding stuff referred to in such list by inclusion of the registered brand name thereof, is compounded.

Contents of tag or label.

(b) In the case of mineral feeds or mixed feeds containing more than a total of five per cent (5%) of one or more added mineral ingredients; the maximum percentage of calcium (ca), minimum percentage of phosphorus (p), minimum percentage of iodine (I), and the maximum percentage of salt (NaCl); must be declared as present: *Provided*, That if no nutritional properties other than those of a mineral nature be claimed for a mineral product, the percentage of crude protein, crude fat, and crude fibre may be omitted. In case of dietary factors and forms not expressible in the foregoing or claimed for commercial feeding stuff, a statement of guarantee shall be specified by the ruling of the Director. Such tag or label shall be construed as a guarantee by the manufacturer, importer, mixer, agent, or vendor of the facts therein stated.

Tag or label is guarantee of statements.

Amendment.

SEC. 4. Section 37, of chapter 211 of the Laws of 1939 (section 7016-37, Remington's Revised Statutes, 1939 Supp.) is hereby amended to read as follows:

Unlawful to include certain ingredients.

Section 37. (a) It shall be unlawful to include in any commercial feeding stuff any dirt, soil, damaged or decayed feed, mill, elevator, or other sweepings or dust.

(b) It shall be unlawful to include mill screenings, screenings waste, or screenings refuse exceeding the run of the mill in any manufactured feeds, wheat mixed feed, peas, or processed grains, or to include in any such manufactured feeds, wheat mixed feed, peas, or processed grains, any noxious weed seeds in excess of tolerances as established by the Director of Agriculture after consultation with representatives of the feed and flour milling industries, Washington State College, and other interested parties.

(c) It shall be unlawful to display, offer for sale, or sell any mill screenings, screenings waste, or screenings refuse as such, or when mixed with molasses if they contain noxious weed seeds in excess of the tolerances established by the Director of Agriculture after consultation with representatives of the feed and flour milling industries, Washington State College and other interested parties: *Provided, however,* That mill screenings, screenings waste or screenings refuse removed in the process of cleaning grains or peas in any elevator, feed or flour mill within the State of Washington and containing an amount of noxious weed seeds in excess of the established noxious weed seed tolerance for screenings, may be sold directly to a state-registered commercial feed lot, for exclusive use on such premises. The Director of Agriculture is hereby authorized and directed to establish regulations governing the conduct of said commercial feed lots and disposition of animal droppings accumulated thereon. Such regulations shall be designed to prevent or diminish the spread of

Regulations.

noxious weed seeds on the general farm lands of the state. It shall be unlawful for any person to violate any regulations so promulgated by the Director of Agriculture.

Passed the House February 24, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 168.

[H. B. 348.]

FLUID MILK AND FLUID MILK PRODUCTS.

AN ACT relating to the production, handling, sale and disposition of fluid milk and fluid milk products intended or used as such for human consumption; establishing standards and defining terms; providing for the grading and inspection of such products; providing for the creation of local inspection units; providing for the issuance and cancellation of certificates of approval and permits; defining the powers and duties of certain officers; defining offenses and prescribing penalties therefor; amending sections 11 and 53, chapter 192, Laws of 1919, as amended (sections 6174 and 6215, Rem. Rev. Stat.); repealing section 60, chapter 192, Laws of 1919, as amended (section 6222, Rem. Rev. Stat.).

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

SECTION 1. *Definitions.* This act may be cited as the "Washington State Uniform Fluid Milk Act." For the purpose of this act, terms shall apply as herein defined unless the context clearly indicates otherwise.

"Washington State Uniform Fluid Milk Act."

Definitions.

(a) *Milk.* "Milk" is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten (10) days before and seven (7) days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which milk contains not less than eight per cent (8%) milk solids not fat, and not less than three and one-quarter

"Milk."

Sale of milk testing below standards herein fixed.

per cent (3.25%) of milk fat: *Provided, however,* That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.

"Milk fat" or "butter fat."

(b) *Milk Fat or Butter Fat.* "Milk fat" or "butter fat" is the fat of milk.

"Cream" and "sour cream."

(c) *Cream and Sour Cream.* "Cream" is a portion of milk which contains not less than eighteen per cent (18%) milk fat. "Sour cream" is cream the acidity of which is more than two-tenths of one per cent (.2%), expressed as lactic acid.

"Half and half."

(d) *Half and Half.* "Half and half" is a product consisting of a mixture of milk and cream homogenized which contains not less than ten per cent (10%) of milk fat.

"Defatted milk."

(e) *Defatted Milk.* "Defatted milk" is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than three and one-quarter per cent (3.25%).

"Milk beverage."

(f-1) *Milk Beverage.* A "milk beverage" is a food compound or confection consisting of milk to which has been added syrup or flavor consisting of wholesome ingredients.

"Defatted milk beverage."

(f-2) *Defatted Milk Beverage.* A "defatted milk beverage" is a food compound or confection consisting of defatted milk to which has been added a syrup or flavor consisting of wholesome ingredients.

"Buttermilk."

(g) *Buttermilk.* "Buttermilk" is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, defatted milk, reconstituted defatted milk, evaporated or condensed milk or defatted milk, or milk or defatted milk powder. It contains not less than eight per cent (8%) of milk solids not fat.

"Vitamin D milk."

(h) *Vitamin D Milk.* "Vitamin D milk" is milk the vitamin D content of which has been increased

by a method and in an amount approved by the Director of Agriculture.

(i) *Reconstituted or Recombined Milk and Cream.* "Reconstituted" or "recombined milk" is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. "Reconstituted" or "recombined cream" is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, defatted milk or water. Reconstituted or recombined milk or cream must be properly labeled as such.

"Reconstituted" or "recombined milk."

(j) *Goat Milk.* "Goat milk" is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this act. The word "cow" shall be interpreted to include "goats."

"Goat Milk."

(k) *Homogenized Milk.* "Homogenized milk" is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after forty-eight (48) hours storage no visible cream separation occurs on the milk and the fat percentage of the top 100 milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten per cent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing.

"Homogenized milk."

(l) *Milk Products.* "Milk products" shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, Vitamin D milk, butter-milk, defatted milk, reconstituted or recombined milk and cream, milk beverages, defatted milk beverages, and any other product made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the Director of Agriculture.

"Milk products."

(m) *Pasteurization.* The terms "pasteurization," "pasteurized," and similar terms, shall be taken to

"Pasteurization."

refer to the process of heating every particle of milk or milk products to at least one hundred forty-three (143) degrees Fahrenheit, and holding at such temperature for at least thirty (30) minutes, or to at least one hundred sixty (160) degrees Fahrenheit, and holding at such temperature for at least fifteen (15) seconds in approved and properly operated equipment under the provisions of this act: *Provided*, That nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and which is approved by the Director of Agriculture.

"Adulterated" and "mis-branded milk and milk products."

(n) *Adulterated and Misbranded Milk and Milk Products.* Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this act does not conform with its definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the Director of Agriculture and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

"Milk producer."

(o) *Milk Producer.* A "milk producer" is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

"Milk distributor."

(p) *Milk Distributor.* A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

"Dairy" or "dairy farm."

(q) *Dairy or Dairy Farm.* A "dairy" or "dairy farm" is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

"Milk plant."

(r) *Milk Plant.* A "milk plant" is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled,

pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

(s) *Health Officer.* The term "health officer" shall mean the county or city health officer as defined in section 6091 or 6092 of Remington's Revised Statutes of Washington, or his authorized representatives. "Health officer."

(t) *Average Bacterial Plate Count, Direct Microscopic Count, Reduction Time, and Cooling Temperature.* "Average bacterial plate count," and the "average direct microscopic count," shall be taken to mean the logarithmic average, and "average reduction time" and "average cooling temperature" shall be taken to mean the arithmetic average, of the respective results of the last four (4) consecutive samples, taken upon separate days. "Average bacterial count," "direct microscopic count," "reduction time" and "cooling temperature."

(u) *Person.* The word "person" shall mean any individual, partnership, corporation, company, trustee, or association. "Person."

(v) *Director of Agriculture.* "Director of Agriculture" shall mean the Director of Agriculture of the State of Washington or his duly authorized representative. "Director of Agriculture."

(w) *And/or.* Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply. "And/or."

SEC. 2. *The Sale of Adulterated, Misbranded, or Ungraded Milk or Milk Products Prohibited.* No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, in the fluid state for direct consumption as such, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products: *Provided*, That in an emergency the sale of ungraded milk or milk products may be au- Sale of adulterated, misbranded, or ungraded milk or milk products.

Emergencies.

thorized by the Director of Agriculture, in which case they shall be labeled "ungraded."

Impounding and disposal by Director.

Adulterated, misbranded, and/or ungraded milk or milk products may be impounded and disposed of by the Director of Agriculture.

Permits.

SEC. 3. *Permits.* It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this act, who does not possess a permit from the Director of Agriculture or an authorized inspection service as defined in this act.

Requirements for permit.

Only a person who complies with the requirements of this act shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Not transferable.

Temporary suspension of permits.

Such a permit may be temporarily suspended by the Director of Agriculture or health officer of a milk inspection unit upon violation by the holder of any of the terms of this act, or for interference with the Director of Agriculture or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the Director of Agriculture upon serious or repeated violations.

Labeling.

SEC. 4. *Labeling.* All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this act shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this act; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the word "reconstituted" or "recombined" if the contents are reconstituted or recombined and (7) in the case of Vitamin

Contents of labels.

D milk the designation "Vitamin D Milk", the source of the Vitamin D and the number of units per quart: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

The label or mark shall be in letters of a size, kind, and color approved by the Director of Agriculture and shall contain no marks or works which are misleading.

SEC. 5. *Inspection of Dairy Farms and Milk Plants.* Prior to the issuance of a permit and at least once every six (6) months the Director of Agriculture shall inspect all dairy farms and all milk plants: *Provided*, That the Director of Agriculture may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the Director of Agriculture discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three (3) days, and the second inspection shall be used in determining compliance with the grade requirements of this act. Any violation of the same requirement of this act on such reinspection shall call for immediate degrading or suspension of permit.

Inspection of dairy farms and milk plants.

Violations of sanitation.

Degrading or suspension of permit.

One copy of the inspection report shall be posted by the Director of Agriculture in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the Director of Agriculture. Another copy of the inspection report shall be filed with the records of the Director of Agriculture.

Inspection report.

Director shall have access to premises.

Distributors shall furnish samples of milk products upon request.

Examination of milk and milk products.

Raw milk.

Every milk producer and distributor shall upon the request of the Director of Agriculture permit him access to all parts of the establishment, and every distributor shall furnish the Director of Agriculture, upon his request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts.

SEC. 6. *The Examination of Milk and Milk Products.* During each six (6) months period at least four (4) samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the Director of Agriculture: *Provided*, That in the case of raw milk for pasteurization the Director of Agriculture may accept the results of non-official laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the Director of Agriculture as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the Director of Agriculture may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests, and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods for the Examination of Dairy Products," recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the Director of Agriculture may deem necessary for the detection of adulteration. Samples may be taken by the Director of Agriculture at any time prior to the final delivery of the milk or milk products. All proprietors of cafes,

stores, restaurants, soda fountains, and other similar places shall furnish the Director of Agriculture, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the Vitamin D content of Vitamin D milk shall be made when required by the Director of Agriculture in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the Director of Agriculture shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three (3) days, for determining a new average in accordance with section 1. Violation of the grade requirement by the new average or by any subsequent average during the remainder of the current six (6) months period shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

Violation of
grade re-
quirements.

Whenever the positive coliform test falls beyond the limit for the grade then held, the Director of Agriculture shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three (3) days. Immediate degrading or suspension of permit shall be called for if the grade requirements is [are] violated by such additional sample, or if the grade requirement is violated, within ninety (90) days after the collection of such additional sample, by more than one out of the last four (4) samples taken on separate days.

Coliform
test.

In case of violation of the phosphatase test requirement, the cause of under-pasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Phosphatase
test.

Grading of
milk and
milk
products.

SEC. 7. *The Grading of Milk and Milk Products.* Grade of milk and milk products as defined in this act shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Vitamin D
milk.

Certified
raw milk.

Certified Milk-Raw. Certified milk-raw is raw milk which conforms with requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the Director of Agriculture and the State Health Department.

Grade A
raw milk.

Grade A Raw Milk. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation, and the bacterial plate count or the direct microscopic clump count of which does not exceed 20,000 per milliliter, or the methylene blue reduction time of which is not less than seven (7) hours, as determined in accordance with section 6.

Grade A raw
milk for pas-
teurization.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of the following items of sanitation except item 24r (bottling and capping), item 25r (personnel, health), and such portions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm, does not exceed 100,000 per milliliter, or the resazurin reduction time of which to P 7/4 is not less than three (3) hours, as determined in accordance with section 6.

Item 1r. *Cows, Tuberculosis and Other Diseases.* Except as provided hereinafter, a tuberculin test of

all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve (12) months thereafter, by an accredited and licensed veterinarian approved by the Washington State Department of Agriculture or veterinarian employed by the Bureau of Animal Industry, United States Department of Agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the Director of Agriculture for accredited herds. A certificate signed by the veterinarian or attested to by the Director of Agriculture [Agriculture] and filed with the Director of Agriculture shall be evidence of the above test: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the Director of Agriculture shall be accepted in lieu of annual testing.

Test of cows for tuberculosis and other diseases.

Certificate of test.

Modified accredited area system.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from Bang's disease, as shown by blood serum tests or other approved tests for agglutinins against *Brucella* organisms made in a laboratory approved by the Director of Agriculture. All such herds shall be retested at least every twelve (12) months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the Bang's test, all milk from that herd is to be pasteurized until the three (3) consecutive Bang's tests obtained at thirty (30) day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test. Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody,

Tests for Bang's disease.

Retested.

Certificate of test.

Disposition of diseased animals.

stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

Other diseases.

For other diseases such tests and examinations as the Director of Agriculture may require after consultation with State Livestock Sanitary officials shall be made at intervals and by methods prescribed by him.

Dairy barns.

Item 2r. *Dairy Barn, Lighting.* A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking.

Lighting.

Ventilation and air space.

Item 3r. *Dairy Barn, Air Space, Ventilation.* Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

Floors of milking stable.

Item 4r. *Milking Stable, Floors, Animals.* The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized tight, two-inch tongue and groove wood, impregnated with waterproofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine or fowl shall be permitted in the milking stable. If dry cows, calves or bulls are stabled therein, they shall be confined in stalls, stanchions, or pens.

Animals other than milking cows.

Walls and ceiling of milking stable.

Item 5r. *Milking Stable, Walls and Ceilings.* The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight.

If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust-tight containers.

Storage of feed.

Item 6r. *Cow Yard.* The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulations of organic wastes. Swine shall be kept out.

Cow yard.

Item 7r. *Manure Disposal.* All manure shall be removed and stored at least fifty (50) feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided*, That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies.

Manure disposal

Item 8r. *Milk House or Room, Construction.* There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above, except as may be approved by the Di-

Milk house or room shall be provided.

Construction of milk house.

rector of Agriculture; shall not open directly into a stable or into any room used for domestic purposes; shall have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

Milk house shall be clean and free of flies.

Item 9r. *Milk House or Room, Cleanliness and Flies.* The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

Toilets.

Item 10r. *Toilet.* Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

Water supply.

Item 11r. *Water Supply.* The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the State Board of Health.

Construction of utensils.

Item 12r. *Utensils, Construction.* All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth non-absorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall

be welded or soldered flush. Woven wire cloth or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not re-used. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

Item 13r. *Utensils, Cleaning.* All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage.

Utensils must be thoroughly clean.

Item 14r. *Utensils, Bactericidal Treatment.* All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

Utensils shall be sterilized before using.

Item 15r. *Utensils, Storage.* All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used.

Storage of utensils.

Item 16r. *Utensils, Handling.* After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

Handling of utensils after bactericidal treatment.

Item 17r. *Milking, Udders and Teats, Abnormal Milk.* Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution immediately preceding the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed

Milking.

Udders and teats to be clean.

Abnormal milk.

of as to preclude the infection of the cows and the contamination of milk utensils.

Flanks, bellies and tails of milking cows.

Item 18r. *Milking, Flanks.* The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

Milkers' hands.

Item 19r. *Milkers' Hands.* Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

Wet hand milking prohibited.

Milkers shall wear clean clothes.

Item 20r. *Clean Clothing.* Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

Milk stools.

Item 21r. *Milk Stools.* Milk stools shall be kept clean.

Removal of milk.

Item 22r. *Removal of Milk.* Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

Cooling of milk and milk products for consumption in raw state.

Item 23r. *Cooling.* Milk and milk products for consumption in the raw state shall be cooled within thirty (30) minutes after completion of milking to fifty (50) degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with section 6. Milk for pasteurization shall be cooled within thirty (30) minutes after completion of milking to sixty (60) degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Cooling of milk for pasteurization.

Bottling and capping of raw milk.

Item 24r. *Bottling and Capping.* Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means

of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

Item 25r. *Personnel, Health.* The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or para-typhoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State Health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Medical examination of dairy personnel.

Infected personnel.

Item 26r. *Vehicles and Surroundings.* All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be used when more than one deck of cans are transported.

Vehicles used for transporting of milk or milk products.

The immediate surroundings of the dairy shall be kept clean and free of health menaces.

Surroundings of dairy

Grade B Raw Milk. Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding 100,000 per milliliter, or an average direct microscopic count not exceeding 100,000 per cubic

Grade B raw milk.

centimeter if clumps are counted or 600,000 per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half (3½) hours, as determined under section 1 and 6.

Grade C raw milk.

Grade C Raw Milk. Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk.

Certified milk pasteurized.

Certified Milk-Pasteurized. Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

Grade A pasteurized milk.

Grade A Pasteurized Milk. Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the following items of sanitation, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding 20,000 per milliliter or a positive coliform test in more than two (2) out of four (4) samples taken on separate days as determined in accordance with section 6.

Receiving and collection stations.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collecting stations with respect to compliance with items 1p to 15p, inclusive, and 17p, 19p, 22p and 23p, except that the partitioning requirement of item 5p shall not apply.

Inspection.

Floors.

Item 1p. *Floors.* The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

Item 2p. *Walls and Ceilings.* Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair.

Walls and ceilings.

Item 3p. *Doors and Windows.* Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self-closing.

Doors and windows.

Item 4p. *Lighting and Ventilation.* All rooms shall be well lighted and ventilated.

Light and ventilation.

Item 5p. *Miscellaneous, Protection From Contamination.* The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies, other insects and rodents shall be used. There shall be separate rooms for (a) the pasteurization, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the Director of Agriculture.

Protection from contamination.

Item 6p. *Toilet Facilities.* Every milk plant shall be provided with toilet facilities approved by the Director of Agriculture. Toilet rooms shall not open directly into any room in which milk, milk products,

Toilet facilities.

equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing section 13 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

Water supply.

Item 7p. *Water Supply.* The water supply shall be easily accessible adequate and of a safe, sanitary quality according to standards approved by the State Board of Health.

Hand-washing facilities.

Item 8p. *Hand-Washing Facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Sanitary piping.

Item 9p. *Sanitary Piping.* All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

Construction and repair of containers.

Item 10p. *Construction and Repair of Containers and Equipment.* All multi-use containers and equipment with which milk or milk products come in contact shall be so constructed and located as to be easily cleaned and shall be kept in good repair. All single-service containers, closures and gaskets used shall have been manufactured, packaged, transported and handled in a sanitary manner.

Plumbing and disposal of waste.

Item 11p. *Plumbing and Disposal of Wastes.* All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by backflow or siphonage.

Item 12p. *Cleaning and Bactericidal Treatment of Containers and Equipment.* All milk and milk products containers, including tank trucks and tank cars and all equipment, except single-service containers, shall be thoroughly cleaned after each usage. All such containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer or distributor by a milk plant each container, including tank trucks and tank cars, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

Cleaning and bactericidal treatment of containers and equipment.

Item 13p. *Storage of Containers and Equipment.* After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

Storage of containers and equipment.

Item 14p. *Handling of Containers and Equipment.* Between bactericidal treatment and usage and during usage, containers and equipment shall be handled or operated in such manner as to prevent contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

Handling of containers and equipment.

Item 15p. *Storage of Caps, Parchment Paper, and Single-service Containers.* Milk bottle caps or cap stock, parchment paper for milk cans and single-service containers and gaskets shall be purchased

Storage of caps, parchment paper and single-service containers.

and stored only in sanitary tubes, wrappings, and cartons, shall be kept therein in a clean, dry place, and shall be handled in a sanitary manner.

Pasteurization.

Item 16p. *Pasteurization.* Pasteurization shall be performed as described in section 1 of this act.

Cooling.

Item 17p. *Cooling.* All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty (50) degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two (2) hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of fifty (50) degrees Fahrenheit or less and maintained thereat until delivery, as determined in accordance with section 6.

Bottling.

Item 18p. *Bottling.* Bottling of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

Overflow milk and milk products.

Item 19p. *Overflow Milk.* Overflow milk or milk products shall not be sold for human consumption. Come-back milk shall not be sold or used for fluid milk or fluid cream.

Capping.

Item 20p. *Capping.* Capping of milk or milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

Medical examination of personnel of pasteurization plant.

Item 21p. *Personnel, Health.* The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organ-

Infected personnel.

isms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by State Health Department for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Item 22p. *Personnel, Cleanliness.* All persons coming in contact with milk, milk products, containers, or equipment shall wear clean, washable, light-colored outer garments and shall keep their hands clean at all times while thus engaged.

Personnel shall be clean.

Item 23p. *Vehicles.* All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

Vehicles used to transport milk and milk products.

Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage, and handling requirements of items 9p, 10p, 12p, 13p, and 14p. While containing milk or cream they shall be sealed and labeled in an approved manner.

Milk tank cars and tank trucks.

Grade B Pasteurized Milk. Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip-cover caps of item 20p and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk for pasteurization of not less

Grade B pasteurized milk.

than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding 40,000 per milliliter as determined in accordance with section 6.

Grade C pasteurized milk.

Grade C Pasteurized Milk. Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

Grades of milk and milk products which may be sold.

SEC. 8. *Grades of Milk and Milk Products Which May Be Sold.* From and after twelve (12) months from the effective date of this act, no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except certified milk pasteurized, certified raw-milk, grade A milk pasteurized, or grade A milk-raw, and the Director of Agriculture may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty (30) days or in emergencies during such longer period as he may deem necessary.

Revocation of permit or degrading of product for failure to maintain grade of milk.

Lowering of grades of milk.

SEC. 9. *Reinstatement of Permit (Supplementary Regrading).* If at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6, and 7 of this act, the Director of Agriculture shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Labeling.

Regrading and reinstatement of permit.

Any producer or distributor of milk or milk products the grade of which has been lowered by the Director of Agriculture, and who is properly labeling his milk and milk products, or whose permit has been suspended may at any time make application for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application, in case the lowered grade or the permit suspension was the

result of violation of the bacteriological or cooling temperature standards, the Director of Agriculture shall take further samples of the applicant's output, at a rate of not more than two (2) samples per week. The Director of Agriculture shall regrade the milk or milk products upward or reinstate the permit on compliance with grade requirements as determined in accordance with the provisions of section 6.

Investigation
by Director.

In case the lowered grade of the applicant's product or the permit suspension was due to a violation of an item other than bacteriological standard or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications had been conformed with. Within one (1) week of the receipt of such an application and statement the Director of Agriculture shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher-grade requirements, and in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

Statement of
applicant
that speci-
fications have
been com-
plied with.

SEC. 10. *Transferring or Dipping Milk: Delivery Containers: Cooling: Quarantined Residence.* Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle, or store, or in any place except a bottling or milk room especially used for that purpose.

Transfer of
milk or milk
products
from one
container to
another.

Milk and milk products sold in the distributor's containers in quantities less than one (1) gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, hospitals, and similar establishments to sell or serve any milk or milk products except in the individual original con-

Delivery
containers.

Cream consumed on premises. tainer in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided*, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

Cooling. It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty (50) degrees Fahrenheit or less. If milk or milk products are stored in water for cooling, the pouring lip of the container shall not be submerged.

Containers to be cleaned before returning. It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the Director of Agriculture.

Limitation on use of equipment and utensils. Containers delivered and collected from residence having communicable disease. The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exists shall be subject to the special requirements of the health officer.

Homogenized milk. Homogenized milk or homogenized cream shall not be mixed with milk or cream which has not been homogenized if sold or offered for sale as fluid milk or cream.

Milk and milk products from points beyond the limits of routine inspection. SEC. 11. *Milk and Milk Products from Points Beyond the Limits of Routine Inspection.* Milk and milk products from outside the State of Washington may not be sold in the State of Washington unless produced and/or pasteurized under provisions equiv-

alent to the requirements of this act: *Provided*, That the Director of Agriculture shall satisfy himself that the authority having jurisdiction over the production and processing is properly enforcing such provisions.

SEC. 12. *Future Dairies and Milk Plants.* All dairies and milk plants from which milk or milk products are supplied which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the grade A requirements of this act. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the Director of Agriculture for approval before work is begun. In the case of milk plants signed approval shall be obtained from the Director of Agriculture.

Future dairies and milk plants.

Plans submitted to Director.

SEC. 13. *Notification of Disease.* No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health officer immediately.

Persons having communicable disease.

Health officer to be notified.

SEC. 14. *Procedure When Infection Suspected.* When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of

Procedure when infection suspected.

the milk supply concerned from distribution and use, (2) the immediate exclusion of that person from milk handling, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Enforcement
of this act.

SEC. 15. Save as in this act provided this law shall be enforced by the Director of Agriculture in accordance with the interpretations contained in the United States Public Health Service Milk Code as from time to time adopted and amended.

Rules and
regulations.

SEC. 16. The Director of Agriculture shall have the power and duty (1) to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this act; (2) with the approval of the State Director of Health to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this act and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the Director of the State Department of Health, to approve the issuance of certificates of approval for such local milk inspection service units.

Local milk
inspection
service
units.

SEC. 17. Any city, township or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the Director of Agriculture for a certificate of approval. Upon receipt of such application the Director of Agriculture shall investigate and determine whether the city, township or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the Director of Agriculture, with the consent and approval of the Director of the State Department of Health, shall

issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the Director of Agriculture after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this act and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be cancelled by the Director of Agriculture after thirty (30) days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

Boundaries
of local
inspection
service unit.

Certificate
authorizing
inspection
unit.

Cancellation
of certificate.

SEC. 18. (a) Whenever a milk producer or milk distributor intends to deliver or sell fluid milk or fluid cream outside the jurisdiction of his own local milk inspection service unit, the Director of Agriculture, on application and after investigation and consultation with the health officer of each local milk inspection service unit concerned, shall designate which local milk inspection service unit shall conduct the inspections. The Director of Agriculture, in making such designations, shall in addition to other matters considered by him, take into consideration the geographical convenience of each local milk inspection service unit and the percentage of fluid milk or fluid cream sold and/or delivered within the jurisdiction of such local milk inspection service units. All fluid milk and fluid milk products so inspected may be sold and delivered within the jur-

Selling of
milk and
cream
outside of
local inspec-
tion unit.

isdiction of any local milk inspection service unit: *Provided*, That applicable ordinances of political subdivisions of government in said jurisdiction more stringent than, and not inconsistent with, the provisions of this act are not thereby violated. The local milk inspection service unit designated by the Director of Agriculture to render such inspection service shall issue permits in accordance with applicable provisions of all local ordinances of each city, township or county into which fluid milk or fluid milk products are sold or delivered.

Written protest concerning enforcement of act.

(b) In case of a written protest from any fluid milk producer, fluid milk distributor or health officer, concerning the enforcement of any provisions of this act, or of any rules and regulations thereunder, the Director of Agriculture, or his duly authorized assistant, within ten (10) days after receipt of such protest and after five (5) days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the Director of Agriculture or his duly authorized assistant shall make such written findings of fact and order as the circumstances may warrant: *Provided, however*, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five (5) days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken within ten (10) days of their effective date to the Superior Court of the county in which the hearing is held upon such notice and in such manner as appeals are taken from judgments rendered in Justice Court.

Summary hearing.

Findings and orders.

Appeal from findings and orders.

SEC. 19. Any person who shall violate or fail to comply with the provisions of this act or the rules, regulations or orders, issued under the authority of this act shall be guilty of a misdemeanor.

Penalty for violations of act.

SEC. 20. That section 11, chapter 192, Laws of 1919, as amended by section 4, chapter 27, Laws of 1922; section 3, chapter 192, Laws of 1927, and section 11, chapter 90, Laws of 1943 (section 6174, Rem. Rev. Stat.) be amended to read as follows:

Amendment.

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-three (143) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty (50) degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized, or uniformly heating of such milk to a temperature of not less than one hundred and sixty (160) degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen (15) seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-three (143) degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty (30) minutes, or of heating the same to a temperature of one hundred and seventy-six (176) degrees Fahrenheit, without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the

Pasteurization defined.

Proviso.

Milk or cream used to make butter or cheese.

manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And provided, further,* That the heating of milk to above one hundred and ten (110) degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

Proviso.

Amendment.

SEC. 21. That section 53, chapter 192, Laws of 1919, as amended by section 11, chapter 27, Laws of 1929 and section 10, chapter 213, Laws of 1929 (section 6215, Rem. Rev. Stat.) be amended to read as follows:

Milk and sweet cream shall be cooled.

Section 6215. All milk and sweet cream shall be cooled in the dairy where it is produced to a temperature of not more than sixty (60) degrees Fahrenheit within thirty (30) minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty (60) degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty (50) degrees Fahrenheit until delivered to the consumer: *Provided,* Nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

Repealing clause.

SEC. 22. That section 60, chapter 192, Laws of 1919, as amended by section 11, chapter 213, Laws of 1929 (section 6222, Rem. Rev. Stat.) be hereby repealed.

SEC. 23. Except as expressly provided, nothing in this act shall be construed as effecting or being in-

tended to effect a repeal of sections 6164 to 6284, both inclusive, of Remington's Revised Statutes, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this act shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers, and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not substitutions therefor.

Certain acts
not repealed.

SEC. 24. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portion of the act.

Partial
invalidity.

Passed the House February 28, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 169.

[H. B. 393.]

CONDITIONAL SALE OR LEASE OF RAILROAD EQUIPMENT AND ROLLING STOCK.

AN ACT relating to certain contracts for the conditional sale or lease of railroad equipment and rolling stock, and providing for the recording thereof; amending the Laws of the Territory of Washington, 1883, pages 62 and 63 (secs. 10540 and 10541, Rem. Rev. Stat.) and adding thereto a new section to be known as section 4.

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

SECTION 1. Section 1, Laws of the Territory of Washington, 1883, page 62 (sec. 10540, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Conditional
sale of
railroad
equipment
and rolling
stock.

Lien.

Contract in-
valid against
bona fide
purchaser
without
notice.

Section 1. In any contract of, or for the sale of railroad equipment or rolling stock, it shall be lawful to agree that the title to the property sold, or contracted to be sold, although deliverable immediately, or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money; if any such contract of or for the sale of railroad equipment or rolling stock, provides that the vendor, in event of default by the purchaser may, in addition to and concurrently with the exercise of any and all other remedies provided in such contract, also have the right to sell such rolling stock or equipment at private or public sale and to recover from the purchaser any deficit remaining after application of the amount realized from such sale and from the exercise of such other remedies, the inclusion of such provision shall not operate to vest title in the purchaser or constitute such contract a chattel mortgage; and in any contract of, or for the leasing of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such lease, and that the rentals received may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or vendee until the purchase price shall be paid in full, notwithstanding delivery to and possession by such lessee or vendee; and the assignment of the vendor's or lessor's interest in any such contract shall give the assignee the right to all the vendor's or lessor's interest under such contract, and said assignee shall have such interest in the property covered thereby as the assignor had: *Provided*, That no such contract or assignment shall be valid as against any subsequent judgment creditor, or any subsequent *bona fide* purchaser, for value and without notice, unless,—

1. The same shall be evidenced by an instrument duly acknowledged before some person authorized by law to take acknowledgments of deeds;

Instruments shall be acknowledged.

2. Such instruments shall be filed for record in the office of the County Auditor of the county in which, at the time of the execution thereof, is situated the principal office of the vendee or lessee within this territory;

Instruments shall be filed for record.

3. Each locomotive engine or car so sold, or contracted to be sold, or leased, as aforesaid, shall have the name of the vendor or lessor plainly marked on each side thereof, followed by the word "owner" or "lessor," as the case may be.

Name of vendor or lessor shall be on engine or car.

SEC. 2. Section 2, Laws of the Territory of Washington, 1883, page 63, (sec. 10541, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 2. The contracts and assignments herein authorized and provided for shall be recorded by the said County Auditor, in the book of records of mortgages of real estate in said county; and on payment in full of purchase money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect shall be made by the vendor, or his assignee, which declaration may be made on the margin of the record of the contract, attested by the said Auditor, or it may be made by a separate instrument, to be acknowledged and recorded as aforesaid, and for such services the County Auditor shall be entitled to the fees provided by law for the recording of deeds and mortgages of real estate.

Recording of contracts and assignments.

SEC. 3. That said act contained in the Laws of the Territory of Washington for 1883, pages 62 and 63, shall be and the same is hereby further amended by adding thereto an additional section reading as follows:

Amendment.

Section 4. Compliance with the provisions of section 1, including the filing for record heretofore or

Recording
is notice to
all persons.

hereafter, shall constitute notice to all persons of the rights of any such vendor, lessor or assignee, and no other filing or recording shall be required in order to validate any such instrument or to constitute such notice.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 170.

[H. B. 446.]

CORPORATIONS—FILING OF INFORMATION AND
PAYMENT OF FEES.

AN ACT relating to corporations and requiring the filing of information and the payment of fees, and amending chapter 185, Laws of 1933, as added thereto by section 13, chapter 143, Laws of 1939.

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

Amendment.

SECTION 1. Chapter 185, Laws of 1933, as added thereto by section 13, chapter 143, Laws of 1939, is amended to read as follows:

List of
officers and
directors
filed.

Section 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 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 for the fee of one dollar (\$1). 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.

Filing fee.

Failure to comply.

Sec. 2. For every violation of this section a corporation shall be liable to the state in a fine not exceeding twenty-five dollars (\$25).

Penalties for violations.

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 171.

[H. B. 398.]

CITY EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to pension, relief, disability and retirement systems of officers and employees of cities and towns now or hereafter participating in the Statewide City Employees Retirement System law; and amending sections 8, 9, 10, 11, 15 and 16, chapter 71, Laws of 1947.

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

SECTION 1. Section 8, chapter 71, Laws of 1947 is amended to read as follows:

Amendment

Section 8. *Powers and Duties of the Board of Trustees.* The administration of the system is hereby vested in the Board of Trustees created in section 7 of this act and the Board shall:

Powers and duties of Board of Trustees.

Preserve
information.

(a) Keep in convenient form such data as shall be deemed necessary for actuarial valuation purposes;

Make
actuarial
investiga-
tions.

(b) From time to time, through its actuary, make an actuarial investigation into the mortality and service experience of the beneficiaries under this act and the various accounts created for the purpose of showing the financial status of the Retirement Fund;

Adopt
statistical
tables.

(c) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

Certify ap-
propriations
necessary.

(d) Certify annually the amount of appropriation which each city shall pay into the Retirement Fund in the next fiscal year, at such a time that the local authorities shall have ample opportunity for including such expense in the budget;

Keep
record of
proceedings.

(e) Keep a record of all its proceedings, which shall be open to inspection by the public;

Adopt
rules and
regulations.

(f) From time to time adopt such rules and regulations not inconsistent with this act, for the administration of the provisions of this act, for the administration of the Fund created by this act and the several accounts thereof, and for the transaction of the business of the Board;

Handle
funds.

(g) Provide for investment, reinvestment, deposit and withdrawal of funds;

Publish
annual
financial
statement.

(h) Prepare and publish annually a financial statement showing the condition of the Fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Statewide City Employees Retirement System, and furnish a copy thereof to each city which has joined the retirement system, and to such members as may request copies thereof;

Serve
without com-
pensation.

(i) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(j) Determine equitable amount of administrative expense and death-in-line-of-duty benefit expense to be borne by each city;

Pro-rate expenses to be borne by each city.

(k) Make available to any city considering participation in the system, the services of the actuary employed by the Board for the purpose of ascertaining the probable cost of such participation. The cost of any such calculation or valuation shall be paid by the city requesting same to the retirement system;

Assist cities to determine costs.

(l) Perform such other functions as are required for the execution of the provisions of this act;

Perform other functions.

(m) No member of the Board shall be liable for the negligence, default or failure of any employee or of any other member of the Board to perform the duties of his office and no member of the Board shall be considered or held to be an insurer of the Funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence to provide for the safeguarding of the funds and assets of the system.

Members of Board only liable for own personal failure to perform duties.

SEC. 2. Section 9, chapter 71, Laws of 1947 is amended to read as follows:

Amendment.

Section 9. *Obligations and Contributions of Cities.*

(a) There shall be paid into the Retirement Fund by contributions of each city the amounts necessary to pay the following:

Amounts to be paid by cities.

(1) Contributions equal to those deposited by employees;

(2) Prior service credits at such rate as may be selected;

(3) That part of a retirement allowance necessary to raise it to a specified minimum;

(4) An equitable share of the administrative costs, all of which costs are to be paid by the cities;

(5) An equitable share of the cost of the death-

in-line-of-duty benefit, all of which costs are to be paid by the cities.

When payable.

(b) Payment of the obligations set forth in subsection (a) of this section may be made in advance or may be paid currently as contributions are received from employees and pensions are paid to retired members: *Provided*, That the share of administrative expense and expense of the death-in-line-of-duty benefit shall be paid as soon as funds are available to make such payment. From time to time each city may apply reserves in payment of the obligations set forth above as contemplated in section 20;

Board to furnish estimate.

(c) The Board shall furnish each city with an estimate of the amount necessary to pay the obligations of the city in the ensuing fiscal year and the city shall provide therefor in its budget. The Board shall cause to be kept an account with each city, crediting the account with such advances and payments as are made by the city and debiting the account with such charges as properly accrue against the city. The Board shall furnish each city with a monthly statement of the amount of matching contributions, prior service charges and charges for minimum retirement allowances properly accruing by reason of payment of retirement allowances and deposit of contributions of members;

Monthly statements.

When retirement system not liable.

(d) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any retirement allowances or other benefits on account of the employees or retired members of any city under this act, for which reserves or guarantees have not been properly set up by such city or its employees to pay such retirement allowances or other benefits: *Provided*, That nothing herein contained shall be so construed to prevent the establishment of a reserve account for annuities and pensions in which shall be placed at the time of retirement of any member the balances of the retiring member's

Establishment of reserve accounts for pensions permitted.

contribution and the city's matching funds for such member and from which account all annuities and current service pensions shall be paid;

(e) Any city may, by majority vote of its electors, withdraw from participation in the retirement system two years after giving written notice to the Board of such action by the electorate. It is hereby specifically provided, however, that the city's obligation to those members receiving or eligible to a retirement allowance prior to such termination of participation shall continue in full force and effect as provided in this act. Members not receiving or being eligible to a retirement allowance at time of such termination shall be paid their accumulated contributions on demand. Should it develop that any such city is entitled to a refund such refund shall be made within one year following demand of city entitled thereto.

Withdrawal
of cities.

Members
protected.

Reimburse-
ment to
members.

Refunds.

SEC. 3. Section 10, chapter 71, Laws of 1947 is amended to read as follows:

Amendment.

Section 10. *Creation of Retirement Fund.* (a) A fund is hereby created and established to be known as the "Statewide City Employees Retirement Fund," and shall consist of all monies paid into it in accordance with the provisions of this act, whether such monies shall take the form of cash, securities or other assets;

Retirement
fund
created.

(b) The Board of Trustees shall be the custodian of the Retirement Fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the Retirement Fund may be deposited in any licensed national bank or banks in the State of Washington, 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; and may be withdrawn on order of the Board for the purpose of making such

Board shall
be custodian
of fund.

payments as are authorized and required by this act;

Investment
of retirement
fund.

(c) The investment of all or any part of the Retirement Fund shall be subject to the terms, conditions and limitations and restrictions imposed by the laws of the State of Washington upon the making of investments by mutual savings banks: *Provided, however,* That the Board may invest in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the Local Improvement Guaranty Fund Law, or utility bonds or warrants, issued by the cities or towns who are members of the retirement system.

Amendment.

SEC. 4. Section 11, chapter 71, Laws of 1947 is amended to read as follows:

Membership.

Section 11. *Membership.* (a) Subject to paragraph (b) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

Miscel-
laneous
personnel.

(1) Miscellaneous personnel as defined in this act;

Uniformed
personnel.

(2) Uniformed personnel, as defined in this act, not eligible to benefits under any existing state pension law;

Elective
officials.

(3) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the Board of Trustees;

Retirement
system
employees.

(4) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

Groups may
be excluded.

(b) Any city may, when electing to participate in this retirement system in the manner set forth in section 5 hereof, include any one group or combination of the groups above mentioned but must include or exclude all employees in any group. Groups (3) and (4) shall be considered as being composed of

miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated;

(c) Subject to paragraph (b) of this section, membership in this retirement system shall be compulsory for all employees in groups (1) and (2), after qualification as provided in subdivision (d) of this section;

Compulsory membership.

(d) Subject to paragraph (b) of this section, all employees in city service on the effective date or on the effective date of this amendment, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than fifty dollars (\$50) per month, or are part-time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the Board. All regular full time employees entering city employment in the uniform personnel, not eligible to benefits under any existing state pension law, shall become members as of the date of their respective employment. All other regular full time employees earning more than fifty dollars (\$50) per month shall become members upon the completion of four (4) months service in any twelve (12) month period. Such individual employees, other than regular full time employees, who are earning less than fifty dollars (\$50) per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of four (4) months service in any twelve (12) month period except those in the uniform personnel, who shall become members as of the date of their respective employment;

Date of becoming members.

Reports concerning members.

(e) It shall be the duty of the proper persons in each city to immediately report to the Board routine changes in the status of personnel and shall immediately furnish such other information regarding the employment of members as the Board may from time to time require;

Withdrawal of members.

(f) Should any member withdraw more than one-quarter (1/4) of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member;

Transfer of employees.

(g) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein.

Amendment.

SEC. 5. Section 15, chapter 71, Laws of 1947, is amended to read as follows:

Retirement allowance.

Section 15. *Allowance on Service Retirement.*

(a) A member, upon retirement for service, shall receive a retirement allowance subject to the provisions of paragraph (b) of this section, which shall consist of:

Annuity.

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

Pension.

(2) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

Prior service pension.

(3) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in section 12 hereof at the rate selected by the city employing the member;

Minimum amount of pension.

(4) Any member who has ten (10) or more years of creditable service and who is retired by reason of attaining the age of sixty-five (65) or over if included in the miscellaneous personnel or the age of sixty (60) or over if included in the uniformed per-

sonnel, and whose retirement allowance is calculated to be less than forty dollars (\$40) per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to forty dollars (\$40) per month.

(b) If the retirement allowance of the member as provided in this section, is in excess of one-half ($\frac{1}{2}$) of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the members retirement allowance equal to one-half ($\frac{1}{2}$) of his final compensation. Maximum amount of pension.

SEC. 6. Section 16, chapter 71, Laws of 1947 is amended to read as follows: Amendment.

Section 16. *Disability Retirement.* Any member who has at least five (5) years of creditable service within the fifteen (15) years immediately preceding retirement and has not attained the age of sixty-five (65) years, or who attains or has attained the age of sixty-five (65) years prior to two (2) years after the effective date, may be retired by the Board for permanent and total disability, either ordinary or accidental, upon examination as follows: Disability retirement.

Any member while in 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 such medical authority as the Board shall employ, upon the application of the head of the office or department in which the member is employed with approval of the legislative body, 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 examination shows, to the satisfaction of the Board, that the member should be retired, he shall be re- Medical examination.

Retired immediately.

tired forthwith: *Provided*, The Board shall retire the said member for disability forthwith: *Provided*, That the disability retirement allowance shall be effective on the first of the month following that in which the member last received salary or wages in city service.

Board to secure medical services.

The Board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and section 18 of this act.

Disability allowance not payable under certain conditions.

The provisions of this section shall not be applicable to employees pensioned for total and permanent disability, as defined in and pursuant to state or Federal law, except as to the amount of retirement allowance provided for herein may exceed the pension provided by state or Federal law; nor shall the provisions of this section in so far as it provides for permanent and total disability from accident in course of employment apply to any member who is within and entitled to the benefits of the State Workmen's Compensation Act and Medical Aid Act.

Passed the House March 2, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 172.

[H. B. 444.]

CORPORATION FILINGS AND FEES.

AN ACT relating to corporation filings and fees, and amending section 18, chapter 185, Laws of 1933, as amended by section 3, chapter 143, Laws of 1939.

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

Amendment.

SECTION 1. Section 18, chapter 185, Laws of 1933, as amended by section 3, chapter 143, Laws of 1939, is amended to read as follows:

Report shall be filed.

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 one dollar (\$1) 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:

Filing 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 consideration received.

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.

Statement of valuation.

II. For every violation of this section, a corporation shall be liable to the state in a fine not exceeding twenty-five dollars (\$25).

Penalty for violation.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 173.

[H. B. 456.]

McKAY MEMORIAL RESEARCH HOSPITAL.

AN ACT relating to the operation of McKay Memorial Research Hospital; amending section 3, chapter 178, Laws of 1947 (section 6130-41, Rem. Rev. Stat. Supp.).

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

Amendment.

SECTION 1. Section 3, chapter 178, Laws of 1947, is hereby amended to read as follows:

Control and management of McKay Memorial Research Hospital may be transferred.

Section 3. The Director of the Department of Public Institutions is hereby authorized, with the approval of the Governor, to transfer the management, control and direction of the McKay Memorial Research Hospital to some other state department or departments which is better equipped to furnish the treatment and care and carry on the experimental and research studies herein contemplated. If he deems it advisable, in lieu of making such transfer, the Director, with the approval of the Governor, may lease the said McKay Memorial Research Hospital to any individual, association of individuals or corporation duly authorized and equipped to undertake such treatment, care and studies, upon such terms as may be just, fair and equitable. The Director is authorized to lease said hospital to any municipal corporation or the Federal government, if such lessee will undertake the care and studies provided for in this act. Any lessee, whether governmental or private, shall have the right whenever sufficient facilities shall be available to use said hospital to provide general hospitalization.

Hospital may be leased.

Passed the House March 2, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 174.

[H. B. 491.]

REGISTRATION OF MOTOR VEHICLES—
RECIPROCAL RELATIONS.

AN ACT relating to motor vehicles; providing for the registration of vehicles required to be licensed under reciprocal relations with other states, and amending section 24, chapter 188, Laws of 1937, as amended by section 1, chapter 176, Laws of 1947.

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

SECTION 1. Section 24, chapter 188, Laws of 1937, as amended by section 1, chapter 176, Laws of 1947, is amended to read as follows: Amendment.

Section 24. Any commercial vehicle licensed in another state or territory and not licensed in this state and which under reciprocal relations with that state would be required to obtain a motor vehicle license in this state may, in lieu of a certificate of ownership and license registration be issued a permit. Such permit shall be issued in such form and under such conditions as the Director of Licenses shall prescribe. Application for the permit shall be made to the Director of Licenses on forms provided by him. On receiving such application, together with fees as provided herein, the Director of Licenses shall issue a permit authorizing one continuous trip to and from a point without the state to a point within the state, for a fee equal to one-twelfth (1/12) of the annual capacity fee ordinarily charged under the laws of this state for a vehicle of the type and weight of the vehicle to be licensed, or in the event that the vehicle will be used in intra-state operations, for any continuous period, there shall be charged and collected a fee equal to the full annual capacity fee ordinarily charged under the laws of this state for a vehicle of the weight and type of the vehicle to be licensed. Such capacity fees shall

Permit in lieu of certificate of ownership and license registration.

Application for permit.

Fees

Permit
vehicles
subject to
all laws.

Permit
shall be
prominently
displayed.

Disposition
of fees.

Capacity fees
reciprocal.

be in addition to the basic registration fee as provided for in section 16, chapter 188, Laws of 1937: *Provided*, That these fees shall not be subject to quarterly reduction as provided in section 6312-18a, Rem. Rev. Stat. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession. All fees collected under the provisions of this act shall be forwarded by the Director of Licenses with a proper identifying detailed report to the State Treasurer who shall deposit such fees to the credit of the Motor Vehicle Fund: *Provided*, The imposition of capacity fees set forth in this section shall be considered reciprocal and shall apply only to vehicles licensed in other states, which states charge their full fees or approximately full fees, or charge upon a basis similar to the one set up in this section, for vehicles licensed in this state and operating in such other states, and in the event reciprocity is accorded by other states, the capacity fee charged for vehicles licensed in such other state or states, shall be on the same basis as charged by such other respective state.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 175.

[H. B. 563.]

FEDERAL AID TO DIKING, DRAINAGE AND SEWERAGE IMPROVEMENT DISTRICTS.

AN ACT relating to diking, drainage and sewerage improvement districts; authorizing the acceptance of Federal aid in connection with the construction, repair or maintenance of such district systems of improvements or contracts with the United States therefor, and providing for the disposition of Federal aid funds.

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

SECTION 1. Whenever, under the provisions of any Act of the Congress of the United States, the corps of engineers of the United States Army, or any other agency of the United States, shall be authorized to reconstruct, improve, repair or maintain any system of improvements of any diking, drainage or sewerage improvement district under the laws of the State of Washington, the Board of County Commissioners of the county in which such district is situated, on behalf of such district may consent to and permit the United States, or any agency thereof, to perform any work or service upon or with regard to such district's system of improvements which shall by the Board be found to be for the benefit of such district and the property therein, or, if the enlargement, betterment or other improvement of such district's system of improvements, or the performance of extraordinary maintenance work upon or with respect to its existing system of improvements shall have been authorized, the Board may contract, on behalf of said district, upon such terms as may be agreed upon by the United States and the Board for the performance of the work so authorized by said corps of engineers, or other agency of the United

Federal aid to diking, drainage or sewerage districts.

Board of County Commissioners may consent to Federal aid.

Contract for performance of work.

No bond required by district.

States. No bond shall be required by the district for any work performed by or under the supervision of said corps of engineers, or other agency of the United States.

Federal funds paid to district.

SEC. 2. If at any time, whether prior or subsequent to the making of any contract authorized by the preceding section, there shall be made available and paid to a district fund appropriated by the Congress of the United States to pay the costs and expenses of reconstruction, improvement, repair or maintenance of the district's system of improvements or any part thereof, said funds shall be paid into the district's maintenance or construction fund, according as the work is maintenance or new construction, and thereafter used and disbursed upon the order of the Board, provided that if the district shall have theretofore issued extraordinary maintenance warrants or maintenance bonds or construction bonds, said funds shall be used to pay and retire said bonds or warrants to the extent of said funds. When all said warrants or bonds have been paid, the assessment levied to pay said warrants or bonds, or those installments of such assessment not then due and payable, shall be cancelled. If the funds made available and paid to the district by the United States shall be more than sufficient to pay and retire all then outstanding warrants or bonds issued to pay the cost of the particular work, whether maintenance or new construction, then the excess of such Federal aid funds, up to the amount of the total of the assessments to pay for such work theretofore paid, shall be paid by the Treasurer to those who have paid such assessment or assessments in the proportion that the total of all such assessments paid by any one bears to the total of all such assessments theretofore paid, and any balance of such Federal aid funds remaining shall become and be part of the maintenance fund of the district. Any assessment or installment of assess-

Funds shall be paid into maintenance and construction fund.

Funds shall be applied to retiring bonds.

Assessment levies shall be cancelled.

Disposition of excess Federal aid funds.

ment not cancelled under the provisions hereof, or any balance thereof which when collected shall not be required for the payment of interest or principal of any of said warrants or bonds, shall, after all said warrants or bonds have been paid, be paid into and become part of the maintenance fund of the district.

Passed the House March 3, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 176.

[H. B. 575.]

WASHINGTON STATE TOURIST CENTER.

AN ACT relating to the development of tourist trade; imposing duties upon the State Parks and Recreation Commission; authorizing the erection, operation and maintenance of a Washington State Tourist Center, and declaring an emergency.

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

SECTION 1. The State Parks and Recreation Commission may acquire by purchase or condemnation a suitable site on or near Crown Point overlooking the Grand Coulee Dam and the necessary rights-of-way for an access road to the location chosen. The Commission may acquire such site and rights-of-way either by fee simple title or through such an arrangement with the United States government as will guarantee the full and perpetual use of such site and rights-of-way.

Certain lands may be acquired by purchase or condemnation.

SEC. 2. The Commission may cause to be constructed, operated and maintained at the site chosen the "Washington State Tourist Center," consisting of a parking area, vista points, and buildings or structures suitable for housing concessions and facilities for the convenience, comfort and entertainment of

"Washington State Tourist Center" may be constructed.

tourists and visitors and the display of relief maps, pictures, photographs and other exhibits designed to extol the natural beauties of the state and the magnitude and diversity of its natural resources.

Aim and purpose of Tourist Center.

SEC. 3. The aim and purpose of the Washington State Tourist Center shall be to provide vista points where the view of the Coulee Dam is considered to be most spectacular, to provide facilities for the convenience, comfort and entertainment of tourists and visitors, and to provide facilities whereby a campaign may be conducted to encourage tourists to visit the many incomparable scenic and recreation areas of the State of Washington.

Emergency.

SEC. 4. 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 March 8, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 177.

[H. B. 179.]

CITIES AND TOWNS—SIDEWALKS, GUTTERS, CURBS, AND DRIVEWAYS.

AN ACT relating to cities and towns; authorizing the construction, reconstruction or repair of sidewalks, gutters, curbs and driveways in cities and towns and providing a method by which the cost thereof may be assessed against the abutting property owner.

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

Repair of sidewalks, gutters and curbs by cities and towns.

SECTION 1. Any city or town, hereinafter referred to as city, is authorized to construct, reconstruct, and repair sidewalks, gutters and curbs along and driveways across sidewalks, which work is hereafter re-

ferred to as the improvement, and to pay the costs thereof from any available funds, or to require the abutting property owner to construct the improvement at his own cost or expense, or to assess all or any portion of the costs thereof against the abutting property owner.

Cost of improvement.

SEC. 2. No such improvement shall be undertaken or required except pursuant to a resolution of the Council or Commission of the city or town, hereinafter referred to as the City Council. The resolution shall state whether the cost of the improvement shall be borne by the city or whether all or a specified portion shall be borne by the city or whether all or a specified portion shall be borne by the abutting property owner; or whether the abutting owner is required to construct the improvement at his own cost and expense. If the abutting owner is required to construct the improvement the resolution shall specify the time within which the construction shall be commenced and completed; and further that if the improvement or construction is not undertaken and completed within the time specified that the city will perform or complete the improvement and assess the cost against the abutting owner.

Improvement must be initiated by resolution of the council.

Contents of resolution.

SEC. 3. If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the city or town and a notice of the date of such hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the County Treasurer, at the address shown thereon a

Assessment of portion of cost on abutting property owner.

Resolution shall fix a time and place of hearing and shall be published.

Notice of hearing shall be mailed to owners.

Time of mailing.

notice of the date of hearing, such mailing to be at least ten days before the date fixed for such hearing. If there be no official newspaper or official publication in the city the resolution may be published in any newspaper of general circulation therein. If the

Proof of publication and mailing.

publication and mailing is made as herein required, proof thereof by affidavit shall be filed with the City Clerk, Comptroller or Auditor of the city before the hearing. The hearing may be postponed from time to time to a definite date until the hearing is held.

Hearing.

At the time of hearing the Council shall hear persons who appear for or against the improvement, and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

Sidewalk Construction Fund.

SEC. 4. When all or any portion of the cost is to be assessed against the abutting property owner, the City Council may create a "Sidewalk Construction Fund No." to be numbered differently for each improvement; and with warrants drawn on this fund the cost of the respective improvements may be paid. The city may advance as a loan to the Sidewalk Construction Fund from any available funds the amounts necessary to pay any costs of the improvement. When any assessments are made for the improvement payments therefor shall be paid into the particular Sidewalk Improvement Fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants any advances or loans made to the Fund shall be repaid. Whenever warrants are drawn on any such fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest until called and paid at a rate established by the City Council by resolution.

Warrants.

Assessments paid into fund.

SEC. 5. Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the proper city official or by the City Council which shall to the extent necessary be based on benefits and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the City Clerk, and when so filed the Council shall by resolution fix a date for hearing thereon and direct the Clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the County Treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the city, or if there is no official newspaper or official publication, in a newspaper of general circulation in the city. The notice shall be mailed and first publication made at least ten days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the City Clerk before the date fixed for the hearing. Following the hearing the City Council shall by ordinance affirm, modify or reject or order recasting of the assessment roll. An appeal may be taken to the Superior Court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by chapter 98, Laws of 1911 (section 9352, *et seq.* Rem. Rev. Stat.; section 401-1, *et seq.* P.P.C.); as now or hereafter amended.

SEC. 6. The City Council shall by resolution provide whether the full amount of the assessment shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount

Assessment roll.

Roll filed with City Clerk.

Notice of hearing on roll.

Notice to be mailed to named persons on roll and published.

Proof of mailing and publication.

Appeal from ordinance confirming assessment roll.

Method of payment provided by resolution.

of such payments; and if more than one payment is provided for, the City Council may by resolution provide for interest on unpaid installments and fix the rate thereof.

Assessment roll filed with treasurer for collection.

Amount due a lien on property.

Foreclosure for delinquent payments.

SEC. 7. The assessment roll as affirmed or modified by the City Council shall be filed with the City Treasurer for collection, and the amount thereof including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of thirty days or more the lien may be foreclosed in the same manner and with the same effect as is provided by chapter 98, Laws of 1911, as amended (section 9352, *et seq.*, Rem. Rev. Stat.; section 401-1, *et seq.*, P.P.C.); as now or hereafter amended. Whenever the deed is issued after the sale therein provided, the regularity, validity and correctness of the proceedings relating to such improvement and the assessment therefor shall be final and conclusive and no action shall thereafter be brought by or in behalf of any person to set aside said deed.

Act is supplemental to existing acts.

SEC. 8. This act is supplemental and additional to any and all other acts relating to construction, reconstruction and repair of sidewalks, gutters and curbs along driveways across sidewalks in cities and towns.

Passed the House February 18, 1949.

Passed the Senate March 9, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 178.

[H. B. 195.]

VETERANS—FREE MOTOR VEHICLE LICENSE.

AN ACT providing for the issuance of automobile licenses without charge to veterans of World War II who have suffered the loss of a lower extremity.

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

SECTION 1. Any veteran of World War II who shall submit to the Director of Licenses satisfactory proof that he has lost one or both of his lower extremities as a result of his military service in World War II, shall be entitled to have issued to him by the Director of Licenses an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon: *Provided*, Such veteran shall have obtained the automobile pursuant to the Federal laws providing for the furnishing of free cars to certain disabled veterans.

Free motor vehicle licenses issued to certain disabled veterans.

Proviso.

Passed the House March 1, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 179.

[S. B. 154.]

WASHINGTON TOLL BRIDGE AUTHORITY—OPERATION OF FERRIES AND TOLL BRIDGES.

AN ACT authorizing the Washington Toll Bridge Authority to acquire by condemnation or otherwise and to operate a system of ferries and toll bridges incidental thereto or to contract for the operation thereof, and to issue revenue bonds in connection therewith; and declaring an emergency.

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

SECTION 1. The Washington Toll Bridge Authority hereinafter referred to as the Authority is hereby authorized to acquire by lease, charter, contract,

Toll bridge authority may acquire and operate ferry systems on Puget Sound.

Items included in ferry systems.

The Authority may acquire and operate toll bridges.

The Authority may contract or lease for the operation of such ferry systems.

Power of eminent domain.

Condemnation.

purchase, condemnation or construction, and partly by any or all of such means, and to thereafter operate, improve and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof and connecting with the public streets and highways in the state, such system of ferries to include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances, as shall be determined by the Authority to be necessary or desirable for efficient operation of the ferry system and best serve the public. The Authority may in like manner acquire by purchase, condemnation or construction and include in such ferry system such toll bridges, approaches and connecting roadways as may be deemed by the Authority advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition herein granted the Authority is hereby empowered to enter into any contracts, agreements or leases with any person, firm or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the Authority or not.

SEC. 2. For the purpose of carrying out any or all of the powers herein granted the Authority shall have the power of eminent domain for the acquisition of either real or personal property, used or useful for such Puget Sound ferry system. Condemnation pursuant to this act shall be the procedure set out in chapter 64, Laws of 1891, as amended (sec. 891, *et seq.*, Rem. Rev. Stat.): *Provided*, That the Authority may institute condemnation proceedings in the Superior Court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the Court in any such action shall have jurisdiction to condemn

property wherever located within the state: *And provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system, and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section the Court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The Court shall further have the power to issue such orders or process as shall be necessary to place the Authority into possession of any property condemned.

SEC. 3. Said ferry system, including any toll bridges, approaches and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the Authority may determine. Any facility which Authority acquires or is authorized to acquire under the provisions of this act may be rehabilitated, rebuilt, enlarged or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided. The Authority is empowered to rent, lease, or charter any property acquired under the terms of this act.

Financing of
ferry system.

Rent, lease,
or charter
of property.

SEC. 4. For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the Authority is hereby authorized by resolution to issue its revenue bonds

Revenue
bonds may
be issued.

Resolution

Contents of bonds.

Interest.

Bonds are negotiable.

Signatures on bonds.

Temporary bonds.

which shall constitute obligations only of the Authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the State of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the Authority shall determine, may bear interest at such rate or rates not exceeding five per cent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the Authority who is State Auditor and countersigned by the Governor and any interest coupons appertaining thereto shall bear the signature of the State Auditor: *Provided*, That the counter-signature of the Governor on such bonds and the signature of the State Auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued un-

der or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the Authority may deem proper: *Provided*, That the Authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the Authority may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the State Treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the Authority.

Sale of bonds.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance. The Authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the Authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application

Determination of amount of bonds required.

Covenants and conditions as to use of bond revenues.

Court action to compel performance on bonds.

and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system.

Investigations and surveys by Director of Highways for Authority.

For the purpose of obtaining information for the consideration of the Authority upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this act, it shall be the duty of the Director of Highways, upon request of the Authority, to make any examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the Authority.

Department of Highways shall bear expense of investigations and surveys.

The cost of any such examination, investigation, survey or reconnaissance and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance and sale of bonds under this act shall be borne by the Department of Highways out of the Motor Vehicle Fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to said Motor Vehicle Fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the Authority through its operations hereunder.

Ferry systems shall be self-liquidating.

Duties of Director of Highways.

SEC. 5. The Authority is hereby empowered to operate such ferry system and toll bridges as a revenue producing and self-liquidating undertaking. The Director of Highways shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the Authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the Authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the

Authority shall make leases for concessions and space.

concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the Authority. In the event it be ascertained that any expense to the Motor Vehicle Fund has been incurred in any manner under this act through the Authority, the Director of Highways, or otherwise, all such expenses shall be promptly reimbursed to the Motor Vehicle Fund out of tolls and revenues derived by the Authority through any or all of its operations hereunder. The schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the Authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: *Provided*, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision. Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging or improving the system. All

Term of leases and regulations for bids.

Expenses to Motor Vehicle Fund shall be reimbursed.

Charges for services of ferry systems.

Revenue bonds.

Contents of resolution.

Trust fund.

income and revenues as collected shall be paid to the State Treasurer for the account of the Authority as a separate trust fund and to be segregated and disbursed upon order of the Authority: *Provided*, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

Authority shall have exclusive right to operate ferries.

SEC. 6. In the event the Authority acquires or constructs, maintains and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the Authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the Authority. The Authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the Authority, without first acquiring the rights granted to such franchise holder under said franchise.

Exception.

Authority shall not infringe on existing ferry franchises.

Restriction on issuance of bonds by authority.

While any revenue bonds issued by the Authority under the provisions of this act are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any ferries or toll bridges within the aforesaid ten-mile distance by the Authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent

provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its departments, agencies and instrumentalities, as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the Legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

Provisions of section binding on state.

SEC. 7. In any case where the Authority shall take over any property or properties which are under lease, contract or concession, or where the Authority has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this act, the Authority is hereby authorized to continue in effect and carry out any such contract, lease or concession or complete any such negotiation or accept any such bid or any modification of any of them which shall appear advantageous to the Authority without regard to any limitations or directions as to the manner thereof contained in this act: *Provided however*, That this section shall not be construed as requiring the Authority so to act, but this section shall be permissive only and then only in respect to contracts, leases, concessions, negotiations or bids existing, entered into or received prior to the passage of this act.

Authority may carry out existing contracts, leases or concessions.

Section is permissive as to Authority.

SEC. 8. Notwithstanding any other provision of the law, bonds issued under this act shall be legal investments by the state finance committee of any state monies in its hands, except permanent school funds.

Bonds shall be legal investment.

SEC. 9. If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitu-

Partial invalidity.

tional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Emergency.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety of and the support of the state government and its existing institutions, and shall take effect on the first day of April, 1949.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 17, 1949.

CHAPTER 180.

[H. B. 499.]

VETERANS' BONUS.

AN ACT providing for the payment of a bonus to veterans of World War II from the proceeds of a bond issue repayable from the excise taxes on cigarettes as herein provided for; making an appropriation and providing penalties.

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

Qualifica-
tions for
recipient.

SECTION 1. There shall be paid to each person who was on active Federal service as a member of the armed military or naval forces of the United States between the 7th day of December, 1941, and the 2nd day of September, 1945, who at the time of his or her entry upon active Federal service and for a period of one (1) year prior thereto was a bona fide citizen or resident of the State of Washington, or who was a member of one of the regular military services on December 7, 1941, and on that date and for one year prior thereto was a bona fide citizen or resident of the State of Washington, for service between said dates, the sum of ten dollars (\$10) for each and every month or major fraction thereof of such duty performed within the continental limits of the United

Amount.

States, and fifteen dollars (\$15) for each and every month or major fraction thereof of such duty performed outside the continental limits of the United States: *Provided*, That persons who have already received extra compensation for such service from any other state or territory shall not be entitled to the compensation under this act, unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation payable under this act and the extra compensation already received from such other state or territory. In case of the death of any such person while in the service, an equal amount shall be paid to his surviving widow if not remarried at the time compensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children, then to his surviving parent or parents if actually dependent upon such deceased person for support.

Foreign
compensa-
tion.

Payment to
heirs.

SEC. 2. The word "person" as used in section one (1) of this act shall not include persons, who during the period of their service, refused on conscientious, political or other grounds to subject themselves to full military discipline and unqualified service or who were separated from such service under conditions other than honorable, and who have not subsequently been officially restored to an honorable status, and such persons shall not be entitled to the benefits of this act.

Persons
disqualified.

SEC. 3. All disbursements required by this act for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the State Auditor, which form shall be duly verified, by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction or entry upon active Federal service, beginning and ending dates of overseas ser-

Auditor's
certificate.

vice, date of discharge or release from active Federal service, or if the claimant has not been released at the time of application, a statement by competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The State Auditor may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants. Such certificates shall be presented to the State Auditor or his representative, together with evidence of honorable service satisfactory to the State Auditor. The State Auditor shall draw warrants in payment of such compensation claims against the War Veterans' Compensation Fund, which is hereby established in the state treasury. The State Auditor is given power to make such reasonable requirements for applications as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

Record of service.

Auditor's warrants.

Auditor to furnish forms.

County officers to assist.

SEC. 4. The State Auditor shall furnish free of charge upon application therefor the necessary forms upon which applications may be made and may establish at different points within the State of Washington offices at which there shall be kept on file for the use of persons covered by this act a sufficient number of certificate forms, so that there may be no delay in the payment of this compensation. The State Auditor may authorize the County Auditor or County Clerk, or both, of any county of the state to act for him in receiving applications under the provisions of this act, and shall furnish such persons with the proper forms to enable them to accept such applications. The State Auditor is hereby authorized and directed to procure such printing, office supplies and equipment and to employ such persons as may

be necessary in order to properly carry out the provisions of this act, and all expenses incurred by him in the administration of this act shall be paid by warrants drawn upon the War Veterans' Compensation Fund.

SEC. 5. The executive officer of the Veterans' Rehabilitation Council shall advise with and assist the State Auditor in the performance of the duties of the Auditor under this act, and when so called upon, the executive officer of the Veterans' Rehabilitation Council shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the War Veterans' Compensation Fund.

Duties of executive officer of Veterans' Rehabilitation Council.

SEC. 6. The State Auditor may, in his discretion, issue warrants under the provisions of this act in anticipation of the sale of the bonds herein authorized.

Anticipatory warrants.

SEC. 7. For the purpose of providing means for the payment of compensation hereunder and for paying the expenses of administration, there shall be issued and sold limited obligation bonds of the State of Washington in the sum of eighty million dollars (\$80,000,000). The issuance, sale and retirement of said bonds shall be under the general supervision and control of the State Finance Committee. The State Finance Committee may, in its discretion, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to make the payments provided for by this act. Each of such bonds shall be made payable at any time not exceeding thirty (30) years from the date of its issuance, with such reserved rights of prior redemption as the State Finance Committee may prescribe to be specified therein. The bonds shall be signed either manually or with a stamped facsimile signature by the Govern-

Bond issue.

Under supervision of State Finance Committee.

Bonds payable within 30 years.

nor and the State Auditor under the seal of the state and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Such bonds shall be sold for not less than par. Any bonds may be registered in the name of the holder on presentation to the State Treasurer or at the fiscal agency of the State of Washington in New York, as to principal alone or as to both principal and interest under such regulations as the State Treasurer may prescribe. Said bonds shall distinctly state that they shall not be a general obligation of the State of Washington, but shall be payable from the proceeds of cigarette taxes in the manner prescribed in this act. Said bonds and the interest thereon shall, so long as any portion thereof shall remain unpaid, constitute a prior and exclusive claim upon the proceeds of said cigarette taxes and the War Veterans' Compensation Bond Retirement Fund hereinafter provided for and shall be payable at such places as the State Finance Committee may provide. Bonds shall be in such denominations as may be prescribed by said committee. All bonds issued under the provisions of this act may be sold in such manner and in such amounts and at such times and on such terms and conditions as the State Finance Committee may prescribe: *Provided*, That if said bonds are sold to any persons other than the State of Washington, they shall be sold at public sale, and it shall be the duty of the State Finance Committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this act shall be legal investment for any of the funds of the state, including the Permanent School Fund, any higher educational funds, and the Accident Fund of the Department of Labor and Industries.

SEC. 8. The money arising from the sale of said bonds shall be deposited in the state treasury to the

credit of a special fund to be known as the War Veterans' Compensation Fund, which shall be used for the payment of the compensation provided in this act, and for paying the expenses of the administration thereof. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the War Veterans' Compensation Fund the sum of eighty million dollars (\$80,000,000).

War
Veterans'
Compensa-
tion Fund.

Appropriation.

SEC. 9. For the purpose of creating the fund for the retirement of said bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by Title XII (sections 82 to 95, inclusive), chapter 180, Laws of 1935, as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the War Veterans' Compensation Bond Retirement Fund hereinafter provided for. In addition thereto, there is hereby levied and there shall be collected by the Tax Commission from the persons mentioned in and in the manner provided by Title XII (sections 82 to 95, inclusive), chapter 180, Laws of 1935, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to one cent (1¢) upon each ten cents (10¢) or fraction of the intended retail selling price thereof, but the provisions of subsection (f), section 82, chapter 180, Laws of 1935, allowing dealers' compensation for affixing stamps shall not apply to this additional tax. All money derived from such tax shall be paid to the State Treasurer and credited to a special trust fund to be known as the War Veterans' Compensation Bond Retirement Fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Retirement
Fund.

Tax on
cigarettes.

War
Veterans'
Compensat-
ing Bond
Retirement
Fund.

Disposition of excess proceeds from taxes on cigarettes.

Whenever the receipts into the War Veterans' Compensation Bond Retirement Fund during any year shall exceed four million five hundred thousand dollars (\$4,500,000), all sums received above that amount shall be transferred by the State Treasurer to the State General Fund, and whenever there shall have accumulated in the War Veterans' Compensation Bond Retirement Fund four million one hundred thousand dollars (\$4,100,000) in excess of the amount required in any year, as determined by the State Finance Committee, to meet obligations during that year for bond retirement and interest, the State Treasurer shall transfer from said Fund to the General Fund all money in excess of said amounts. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy the taxes upon cigarettes referred to in this section and to place the proceeds thereof in the War Veterans' Compensation Bond Retirement Fund and to make said Fund available to meet said payments when due until all of said bonds and the interest thereon shall have been paid.

Tax levy continued until bonds and interest paid.

Free official service.

SEC. 10. No charge shall be made by any agent, notary public or attorney for any service in connection with filing an application to obtain the allowance provided for by this act, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to the terms of this act. Any violation of this section shall be a gross misdemeanor.

Discounting certificates prohibited.

False claims punishable.

SEC. 11. Any person who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates provided for by this act, or who with intent to defraud, presents to the State Auditor or any other officer any certificate for the purpose of obtaining funds provided by this act, which do not in fact be-

long to such person, or makes any false representation in connection with obtaining any funds under the terms of this act, shall be guilty of a felony.

Felony.

SEC. 12. The Legislature may provide additional means for raising money for the payment of the interest and principal of said bonds, and this act shall not be deemed to provide an exclusive method for such payment. The power given to the Legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the State of Washington.

Method not exclusive.

SEC. 13. If any section or provision of this act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Partial invalidity.

SEC. 14. This measure shall not be construed as duplicating any payment or tax which may be provided for or imposed by any operative provision of Initiative Measure No. 169. It is intended to supplement and replace such portions thereof as may be inoperative because of constitutional defects and shall not be construed as amending or repealing said initiative.

Effect of act on Initiative Measure No. 169.

Passed the House February 24, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 18, 1949.

CHAPTER 181

[S. B. 73.]

STATE COLLEGE—EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS.

AN ACT relating to extension work in agriculture and home economics; authorizing counties and municipalities to cooperate with the State College of Washington in such work and expend funds therefor; and repealing chapter 18, Laws of 1913, as amended by chapter 193, Laws of 1919.

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

Counties may conduct extension work in agriculture in cooperation with State College.

SECTION 1. The Board of County Commissioners of any county and the governing body of any municipality are authorized to establish and conduct extension work in agriculture and home economics in cooperation with the State College of Washington, upon such terms and conditions as may be agreed upon by any such Board or governing body and the director of the extension service of the State College of Washington; and may employ such means and appropriate and expend such sums of money as may be necessary to effectively establish and carry on such work in agriculture and home economics in their respective counties and municipalities.

Repealing clause.

SEC. 2. Chapter 18, Laws of 1913, as amended by chapter 193, Laws of 1919, (secs. 2732 to 2735, inclusive, Rem. Rev. Stat.), are repealed.

Passed the Senate February 9, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 182.

[S. B. 94.]

TEACHER ADMINISTRATOR TRAINING AND
DEMONSTRATION SCHOOLS.

AN ACT authorizing the establishment and operation of Teacher Administrator Training and Demonstration Schools by agreement between the Regents of the University of Washington or Regents of the State College of Washington and the Board of Directors of any school district, 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 Board of Regents of the University of Washington and the Board of Regents of the State College of Washington are each authorized to enter into agreements with the Board of Directors of any school district in this state whereby one or more of the public schools operated by such district may be used by the University of Washington or the State College of Washington as the case may be for the purpose of training students at the University of Washington or the State College of Washington respectively as teachers, supervisors, principals, or superintendents.

Teacher Administrator Training and Demonstration Schools.

SEC. 2. The financing and the method of organization and administration of such a training school operated by agreement between the Board of Regents of the University of Washington or the Board of Regents of the State College of Washington and the Board of Directors of any school district shall be determined by agreement between them.

Financing, organization, and administration of training schools.

Passed the Senate February 9, 1949.

Passed the House March 4, 1949.

Approved by the Governor, March 19, 1949.

CHAPTER 183

[S. B. 12.]

DISCRIMINATION IN EMPLOYMENT.

AN ACT to prevent and eliminate discrimination in employment against persons because of race, creed, color or national origin; creating in the executive department a state board against discrimination; defining its functions, powers and duties and providing for the appointment and compensation of its officers and employees.

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

Title of act.

SECTION 1. This law shall be known as the "Law Against Discrimination in Employment." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the Legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with powers with respect to elimination and prevention of discrimination in employment because of race, creed, color or national origin, as herein provided; and the Board established hereunder is hereby given general jurisdiction and power for such purposes.

Civil rights.

SEC. 2. The opportunity to obtain employment without discrimination because of race, creed, color or national origin is hereby recognized as and declared to be a civil right.

Definitions.
"Person."

SEC. 3. As used herein: (a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees in bankruptcy, receivers or any group of persons,

and includes any political or civil subdivision of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(b) The term "employer" includes any person acting in the interest of an employer, directly, or indirectly, who has eight (8) or more persons in his employ, and does not include any religious, charitable, educational, social or fraternal association or corporation, not organized for private profit;

(c) The term "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;

(d) The term "labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(e) The term "employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(f) The term "national origin" shall, for the purposes of this act, include "ancestry."

SEC. 4. (a) There is hereby created a Board to be known as the Washington State Board Against Discrimination in Employment, which shall be composed of five members to be appointed by the Governor, one of whom shall be designated as chairman by the Governor.

(b) One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed.

Compensation of members.

(c) Each member of the Board while in session or on official business shall receive the sum of twenty dollars (\$20) per day in lieu of subsistence and shall receive reimbursement for actual and necessary travelling expenses incurred during such time. Such reimbursement to be made in the manner provided by law for similar reimbursements for state employees. A member shall be eligible for reappointment.

Members eligible for re-appointment.

Official seal.

(d) The Board shall have an official seal which shall be judicially noticed.

Vacancies.

(e) A vacancy in the Board shall be filled within thirty days, the remaining members to exercise all powers of the Board.

Principal office.

(f) The principal office of the Board shall be in the City of Seattle, but it may meet and exercise any or all of its powers at any other place in the state and may establish such district offices as it deems necessary.

Report to Governor.

(g) The Board, at the close of each six months period, shall report to the Governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Board shall present its reports to each regular session of the Legislature; the Board's reports shall be published and made available upon request.

Report to Legislature.

Removal of members.

(h) Any member of the Board may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Board to formulate policies and make recommendations.

SEC. 5. The Board shall formulate policies to effectuate the purposes of this act and may make recommendations to agencies and officers of the state

or local subdivisions of government in aid of such policies and purposes.

SEC. 6. The Board shall have the following functions, powers and duties:

(a) To establish and maintain its principal office in the City of Seattle, and such other offices within the state as it deems necessary.

(b) To meet and function at any place within the state.

(c) To appoint an Executive Secretary and Chief Examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(d) To obtain upon request and utilize the services of all governmental departments and agencies.

(e) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this act, and the policies and practices of the Board in connection therewith.

(f) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, creed, color or national origin.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Board. The Board may make rules as to the issuance of subpoenas by individual members as to service of complaints, decisions, orders, recommendations and other process or papers of the Board, its member, agent, or agency, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office

receipt, when service is by registered mail, shall be proof of service of the same.

Testimony
or evidence
tending to
incriminate.

No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Board or of any individual member, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person 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, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Immunity
granted.

Exceptions.

Refusal to
obey
subpoena.

In case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court of any county within the jurisdiction of which the investigation, proceeding, or hearing 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 the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, 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.

Advisory
agencies and
conciliation
councils.

(h) To create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this article, and the Board may empower them to study the problems of discrimination in all or specific

fields of human relationships or in specific instances of discrimination because of race, creed, color or national origin, and to foster through community effort or otherwise good-will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the Board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the Board may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary travelling expenses, and the Board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance; the Board may use organizations specifically experienced in dealing with questions of discrimination.

Members.

Compensation.

Technical and clerical assistance.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good-will and minimize or eliminate discrimination because of race, creed, color or national origin.

Publications of investigations and research.

(j) To adopt an official seal.

Official seal.

(k) To make such technical studies as are appropriate to effectuate the purposes and policies of this act and to publish and distribute the reports of such studies.

Technical studies.

(l) Witnesses before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the Courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the Courts of the state.

Fees and mileage for witnesses.

SEC. 7. (1) It shall be an unfair employment practice for any employer:

Unfair employment practice by employer.

Discrimination due to person's race, creed, color or national origin.

(a) To refuse to hire any person because of such person's race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(b) To discharge or bar any person from employment because of such person's race, creed, color, or national origin.

(c) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color or national origin.

Unfair labor practice by labor unions and organizations.

(2) It shall be an unfair employment practice for any labor union or labor organization:

Discrimination due to person's race, creed, color or national origin.

(a) To deny full membership rights and privileges to any person because of such person's race, creed, color, or national origin.

(b) To expel from membership any person because of such person's race, creed, color or national origin; or

(c) To discriminate against any member, employer, or employee because of such person's creed, color, or national origin.

Unfair employment practice by employment agencies.

(3) It shall be an unfair employment practice for any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his race, color, religious creed, national origin or ancestry.

Discrimination against person opposing unfair labor practices forbidden.

(4) It shall be an unfair employment practice for any employer, employment agency, or labor union to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this act, or because he has filed a charge, testified, or assisted in any proceeding under this act.

Aiding and abetting of unfair employment practices.

(5) It shall be an unlawful employment practice for any person to aid, abet, encourage, or incite the commission of any unlawful employment prac-

tice, or to attempt to obstruct or prevent any other person from complying with the provisions of this act or any order issued thereunder.

SEC. 8. Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his attorney, make, sign and file with the Board a complaint in writing under oath, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unfair employment practice, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission. The Board, whenever it has reason to believe that any persons [person] has been engaged or is engaging in an unfair employment practice may issue a complaint. Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of this act may file with the Board a written complaint under oath asking for assistance by conciliation or other remedial action. After the filing of any complaint, the chairman of the Board shall refer the same to a member or investigator to make prompt preliminary investigation of such complaint, and, if such member or investigator determines after such preliminary investigation that there is reasonable cause for believing that an unfair employment practice has been or is being committed as alleged in such complaint, he shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion. No member or investigator shall disclose what has occurred in the course of such endeavors, provided the Board may publish the facts in the case of any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted. In case of failure to eliminate such practice, the investigator or investigating member shall certify the complaint and the results

Complaints
of unfair
labor
practice.

Contents of
complaint

Board may
issue
complaint.

Employer
may file com-
plaint asking
remedial
action.

Board to
make
preliminary
investigation.

Certification
of complaint
and findings
to board.

Hearing
tribunal.Notice of
charges
and hearing.Place of
hearing.

Hearing.

of his investigation to the Chairman of the Board. The Chairman of the Board shall thereupon appoint a hearing tribunal of three persons who shall be members of the Board or panel of hearing examiners to hear such complaint and shall cause to be issued and served in the name of the Board a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as the respondent, to answer the charges of such complaint at a hearing before such tribunal, at a time and place to be specified in such notice. The place of any such hearing may be the office of the Board or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the Commission; and no member of the Board who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for conciliation shall not be received in evidence. The respondent may file a written answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer and the testimony taken at each hearing shall be under oath and be transcribed at the request of any party. If, upon all the evidence, the tribunal finds that a respondent has engaged in any unfair employment practice as defined in section 7, it shall state its findings of fact and shall issue and file with the Board and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice. If, upon all the evidence, the tribunal finds that the respondent

has not engaged in any alleged unfair employment practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint. The Board shall establish rules of practice to govern, expedite and effectuate the foregoing procedure. Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Rules of practice.

Time of filing complaint.

SEC. 9. (a) The Board may petition the Court within the county wherein any unfair employment practice occurred or wherein any person charged with unlawful employment practice resides or transacts business, for the enforcement of any order issued by a tribunal under the provisions of this act and for appropriate temporary relief or a restraining order, and shall certify and file in Court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in the Court the Board shall cause a notice of such petition to be sent by registered mail to all parties or their representatives. The Court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief by injunction or otherwise, including temporary relief, as it deems just and suitable and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the Board or hearing tribunal.

Enforcement of tribunal's orders by courts.

Transcript of record to court.

Notice of petition to court for enforcement of order.

Jurisdiction of court.

(b) The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence, shall be conclusive. The Court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to intro-

Findings of tribunal conclusive.

Introduction
of additional
evidence.

duce such additional evidence as the court may believe necessary to a proper decision of the cause.

Appeal from
judgment
of court.

(c) 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 by the Supreme Court, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court, and the record so certified shall contain all that was before the lower Court.

Review of
orders of
tribunal.

(d) Any respondent aggrieved by a final order of a hearing tribunal may obtain a review of such order in the Superior Court for the county where the unfair employment practice is alleged to have occurred or in the county wherein such person resides or transacts business by filing with the Clerk of said Court, within two weeks from the date of such order, a written petition in duplicate praying that such order be modified or set aside. The Clerk shall thereupon mail the duplicate copy to the Board. The Board shall then cause to be filed in said Court a certified transcript of the entire record in the proceedings, including the pleadings, testimony and order. Upon such filing said Court shall proceed in the same manner as in the case of a petition by the Board under this section and shall have the same exclusive jurisdiction to grant to the respondent such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order sought to be reviewed.

Petition
for review.

Certified
transcript
of record
to court.

Decree.

Review shall
stay any
order of
tribunal.

(e) Unless otherwise directed by the Board tribunal or Court, commencement of review proceedings under this section shall operate as a stay of any order.

(f) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the Court under this act shall take precedence over all other matters, except matters of the same character.

Hearing in courts under this act to have precedence.

(g) No Court of this state shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing the Board from performing any function vested in it by this act, nor shall any Court have any jurisdiction to issue any order relating to the administration of this act, except as provided by sections 10 and 11 hereof.

Limitation on court's jurisdiction.

(h) This section shall not be applicable to orders issued against any political or civil subdivision of the state, or any agency, office, or employee thereof.

Exceptions.

SEC. 10. Any person, employer, labor organization or employment agency, who or which shall wilfully resist, prevent, impede, or interfere with the Board or any of its members or representatives in the performance of duty under this article, or shall wilfully violate an order of the Board, shall be guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

Penalty for interfering with and violating orders of Board.

SEC. 11. In any case in which the Board shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the Board shall transmit a copy of such order to the Governor of the state who shall take such action as he deems appropriate to secure compliance with such order.

Orders of Board against state and other governmental agencies.

SEC. 12. The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of any

Act shall be liberally construed.

other law of this state relating to discrimination because of race, color, creed or national origin.

Partial
invalidity.

SEC. 13. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Appropriation.

SEC. 14. There is hereby appropriated from the General Fund the sum of twenty-five thousand dollars (\$25,000) to carry out the purpose of this act.

Passed the Senate February 22, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 184.

[S. B. 163.]

APPROPRIATION—MUNICIPAL FIREMEN'S
PENSION FUNDS.

AN ACT making appropriations from the General Fund for the Municipal Firemen's Pension Fund of the various cities and towns.

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

Appropriation to Firemen's Pension Fund of cities and towns.

SECTION 1. For the biennium ending March 31, 1951, there is hereby appropriated from the General Fund for payment to the cities and towns of the state, for the benefit of the Municipal Firemen's Pension Fund, amounts which the Legislature through oversight failed to appropriate for past bienniums and also amounts for the current biennium for the same purpose, representing forty-five per cent of the tax on fire insurance premiums, payable pursuant to the provisions of chapter 39, Laws of 1935 and chapter 91, Laws of 1947, as amended, based on certifications made by the Secretaries of Firemen's Pension Boards

for the respective years as required by said laws, as follows: Biennium ending March 31, 1947, three hundred and fifty thousand, six hundred twenty-six dollars and seven cents (\$350,626.07); biennium ending March 31, 1949, four hundred and fifty-eight thousand, one hundred seventy-one dollars and ninety-six cents (\$458,171.96); biennium ending March 31, 1951, four hundred and seventy-nine thousand, two hundred and fifty dollars (\$479,250.00).

Passed the Senate February 19, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 185.

[S. B. 226.]

DAIRY PRODUCTS.

AN ACT relating to dairy products; and amending sections 9 and 13, chapter 219, Laws of 1939.

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

SECTION 1. Section 9, chapter 219, Laws of 1939 Amendment.
(sec. 6266-9, Rem. Rev. Stat. Supp.), is amended to read as follows:

Section 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-half ($\frac{1}{2}$) 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

Assessment levied on butterfat in milk and cream.

gallon; butter or milk fat content, thirty per cent (30%), and any fractional or greater 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;

Exception.

Collection of assessment.

Disposition of moneys collected.

Penalty for failure to remit.

Lien.

Amendment.

Advertisement of Washington dairy products.

(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.

SEC. 2. Section 13, chapter 219, Laws of 1939 (sec. 6266-13, Rem. Rev. Stat. Supp.), is amended to read as follows:

Section 13. That in order to adequately advertise Washington dairy products in the domestic and national markets and to make such advertising as 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-half ($\frac{1}{2}$) of one cent (1ϕ) 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 effectuate 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.

Investigation
by Com-
mission.

Change in
amount of
assessment.

Condition
precedent
to change.

Passed the Senate February 28, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 186.

[S. B. 296.]

EDUCATION—SPECIAL SERVICES FOR HANDICAPPED CHILDREN.

AN ACT relating to education; authorizing the extension of special services for handicapped children and providing support for such extended programs.

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

Special programs for handicapped children of pre-school age.

Financing of programs.

Minimum age of children.

SECTION 1. Special educational and training programs provided by the state and the school districts thereof for children temporarily or permanently retarded in normal educational processes by reason of defective hearing, defective sight, defective speech, cerebral palsy, and other physical handicaps, may be extended to include children of pre-school age. School districts which extend such special programs, as provided in this section, shall be entitled to apportionments from state and county school funds, as provided by law for regular school attendance and educational units, and to allocations from state funds made available for such special services, for handicapped children three or more years of age who are given such special services.

Passed the Senate March 2, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 187.

[S. B. 337.]

DISTRIBUTION OF INTOXICATING LIQUOR REVENUE.

AN ACT relating to intoxicating liquors; amending section 78, chapter 62, Laws of the Extraordinary Session of 1933, as last amended by section 1, chapter 173, Laws of 1939; repealing certain acts; and declaring an emergency.

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

SECTION 1. Section 78, chapter 62, Laws of the Extraordinary Session of 1933, as last amended by section 1, chapter 173, Laws of 1939 (sec. 7306-78, Rem. Rev. Stat. Supp.), is amended to read as follows: Amendment.

Section 78. 1. When said funds are distributed as provided in section 77 hereof all moneys subject to distribution shall be disbursed as follows: Disbursement of funds.

Funds available for distribution on and after April 1, 1949, fifty per cent to the General Fund of the state and ten per cent to the counties of the state, distributed among them in accordance with the provisions of sub-section 2 of this section, and forty per cent 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 ten per cent 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

Unincorporated areas.

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.

Incorporated cities and towns.

b. With respect to the forty per cent 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 until the 1950 Federal census figures are published the division among eligible incorporated cities and towns shall be made on the basis of the census for cities and towns made as of April 1, 1948, by the state census board under chapter 51, Laws of 1947; and any city or town incorporated subsequent to said date shall be included in the computations and distributions on the basis of the official population used in the incorporation proceedings: *And 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.

Computations by 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 publica-

tion 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 government 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
of cities
and towns.

SEC. 2. Chapter 173, Laws of 1943 (secs. 7347-5 to 7347-11, incl., Rem. Supp. 1943), is hereby repealed: *Provided*, That the repeal of said chapter 173, shall not affect the right of the state, counties and cities to receive and be paid funds accruing in the War Liquor Tax Fund prior to the date such repeal takes effect in accordance with the percentages of distribution provided in said law; and the State Auditor and the State Treasurer are hereby authorized to effect the transfer of any monies due the state under this proviso from the War Liquor Tax Fund to the General Fund and remaining in said Fund after the payment of all monies due the cities and counties.

Repealing
clause.

Proviso.

Funds accru-
ing in War
Liquor Tax
Fund.

SEC. 3. Sections 51 and 52, chapter 180, Laws of 1935 (secs. 8370-51 and 8370-52, Rem. Rev. Stat. Supp.), are hereby repealed.

Repealing
clause.

SEC. 4. This act is necessary for the preservation of the public peace, health and safety, the promo-

Emergency.

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

Passed the Senate February 26, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 188.

[S. B. 405.]

CORPORATIONS.

AN ACT relating to corporations and providing for the valuation and payment of shares of shareholders objecting to certain corporate action; and amending section 41, chapter 185, Laws of 1933, as amended by section 7, chapter 143, Laws of 1939.

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

Amendment.

SECTION 1. Section 41, chapter 185, Laws of 1933, as amended by section 7, chapter 143, Laws of 1939 (sec. 3803-41, Rem. Rev. Stat.), is amended to read as follows:

Sale of assets of corporation.

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, 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

Objection to corporate action.

action demanding payment for his shares, shall be paid the value of his shares as of the date of the authorization of such corporate action with interest thereon at the rate of six per cent per annum from said date, 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.

II. If, within thirty days after such corporate action was taken, the corporation, including the surviving or new corporation in case of a merger or consolidation, and any such shareholder cannot agree upon the value of the shares at the time such corporate action was authorized, the corporation or any such shareholder may by petition filed in the Superior Court of the county in which was located the registered office of the corporation at the time such corporate action was authorized, within four months after the expiration of said period of thirty

Valuation
of shares.

Petition to
Superior
Court to
determine
valuation.

days, demand a determination of the value of the shares of all such shareholders as of the date of the authorization of such corporate action by an appraiser to be appointed by said Court. Upon the filing of any such petition by a shareholder, service of a copy thereof shall be made upon the corporation, which shall, within ten days after such service, file in the office of the Clerk of the Court in which such petition was filed a duly verified list containing the names and addresses of all shareholders who have demanded payment of their shares and with whom agreements as to the value of their shares have not been reached by the corporation. If the petition shall be filed by the corporation, the petition shall be accompanied by such a duly verified list. At the time of the filing of said petition the Court shall fix the time and place for the hearing of such petition, and the Clerk of said Court shall forthwith give notice of the time and place fixed for the hearing of such petition by registered mail to the corporation and to the shareholders shown upon said list at the addresses therein stated, and notice shall also be given by publishing a notice at least once a week for two successive weeks, the second publication to appear at least one week before the day of the hearing, in a newspaper of general circulation published in such county, if there be one, and if none, then in such newspaper as the Court may by order direct. The Court shall have power to direct such additional publications of notice as it may deem advisable. The forms of the notices by mail and by publication shall be approved by the Court. After the hearing of such petition, the Court shall determine the shareholders who have complied with the provisions of this section and become entitled to the valuation of and payment for their shares, and shall appoint an Appraiser to determine such value. Such Appraiser shall have

Service of copy of petition on corporation.

List of shareholders demanding payment.

Time and place of hearing.

Notice of hearing.

Forms of notice.

Findings of the Court.

Court shall appoint an appraiser.

power to examine any of the books and records of the corporation, the shares of which he is charged with the duty of valuing, and he shall make a determination of the value of the shares upon such investigation as to him may seem proper. The Appraiser shall also afford a reasonable opportunity to the parties interested to submit to him pertinent evidence on the value of the shares. The Appraiser, also, shall have such powers and authority as may be conferred upon him by the order of his appointment. The Appraiser shall determine the value of the shares of the shareholders adjudged by the Court to be entitled to payment therefor, and shall file his report, respecting such value, in the office of the Clerk of said Court, and notice of the filing of such report shall be given by said Clerk of Court to the parties in interest. Such report shall be subject to exceptions to be heard before the Court both upon the law and facts. After hearing exceptions to the said report, the Court shall, by its decree, determine the value of the shares of the shareholders entitled to payment therefor, as of the date of the authorization of such corporate action, and shall direct payment of such value together with interest thereon at the rate of six per cent per annum from said date, to the shareholders entitled thereto by the corporation, or in case of a merger or consolidation, by the surviving or new corporation, upon the transfer to it of the certificates representing such shares, which decree may be enforced as other decrees in said Court may be enforced, whether, in case of a merger or a consolidation, the surviving or new corporation be a corporation of this state or of any other state or territory of the United States. In case of a merger or a consolidation, the shares of the surviving or new corporation, into which the shares of the dissenting shareholders would have been converted had they assented to the merger or consolidation,

Powers and duties of appraiser.

Report of value of shares.

Notice of filing of report.

Exceptions to report.

Court shall determine value of shares.

Payment of value of shares and interest.

Costs of proceedings.

Shareholder demanding payment loses voting and dividend rights.

Exceptions.

Submission of certificates of stock in question to Court.

shall have the status of authorized and unissued shares of the surviving or new corporation, as the case may be. The cost of any such proceeding, including a reasonable fee to and the reasonable expenses of the Appraiser, but exclusive of fees of counsel or of experts retained by any party, may, on application of any party in interest, be determined by the Court and taxed upon the parties to such proceeding, or any of them as may appear equitable, except that the cost of giving the notice by publication and by registered mail hereinabove provided for shall be paid by the corporation. Any shareholder who shall have demanded payment for his shares, as provided in subdivision I of this section, shall not thereafter be entitled to vote such shares for any purpose or be entitled to the payment of dividends or other distribution on said shares (except dividends payable to shareholders of record at a date which is prior to the date of the meeting at which the corporate action was taken which caused the shareholder to demand payment of his shares), unless the petition shall not be filed within the time herein provided, or the proceeding be dismissed as to said shareholder, or unless said shareholder shall, with the written approval of the corporation, deliver to the corporation a written withdrawal of his objections to and acceptance of the corporate action previously objected to by him, in any of which cases the right of such shareholder to payment of his shares shall cease. At the time of the filing of the petition or at any time thereafter, the Court may require the dissenting shareholders to submit their certificates of stock to the Clerk of Court for notation thereon of the pendency of the proceedings, and if any shareholder fails to comply with such direction, the Court may dismiss the proceedings as to such shareholder. Upon payment of the amount directed by the decree to be paid to the share-

holder, together with interest until paid, the shareholder shall cease to have any interest in such shares, or, in the case of a merger or consolidation, in the surviving or new corporation. The right of a shareholder to be paid the fair value of his shares as herein provided shall cease if and when the corporation shall abandon the corporate action to which the shareholder dissented.

Shareholder loses all interest in shares upon payment.

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.

No payment to shareholder unless corporation solvent.

Passed the Senate March 3, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 189.

[S. S. B. 51.]

APPROPRIATIONS TO GUARANTEE JUDGES' RETIREMENT FUND.

AN ACT providing that appropriations shall be made to guarantee the Judges' Retirement Fund; and amending section 6, chapter 229, Laws of 1937, as last amended by section 2, chapter 19, Laws of 1945 (sec. 11054-6, Rem. Supp. 1945).

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

SECTION 1. Section 6, chapter 229, Laws of 1937, as last amended by section 2, chapter 19, Laws of 1945 (sec. 11054-6, Rem. Supp. 1945), is hereby amended to read as follows:

Amendment.

Section 6. For the purpose of providing monies in said Judges' Retirement Fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the General Fund of the state treasury shall

Salary deductions.

Withdrawals from General Fund.

be made as follows: 5% shall be deducted from the monthly salary of each Judge of the Supreme Court and 5% of the total salaries of each Judge of the Superior Court shall be deducted from that portion of the salary of such judges payable from the state treasury; and a sum equal to 5% of the combined salaries of the Judges of the Supreme Court and the Judges of the Superior Court shall be withdrawn from the General Fund of the state treasury. In consideration of the contributions made by the judges to the Judges' Retirement Fund, the state hereby undertakes to guarantee the solvency of said Fund and the Legislature shall make biennial appropriations from the General Fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the Judges' Retirement Fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the Judges' Retirement Fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The State Auditor shall issue warrants payable to the Treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges for the amount of salary payable from the state treasury after such deductions have been made. The Treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the Judges' Retirement Fund for disbursement as authorized in this act.

State to guarantee solvency of Retirement Fund.

Deductions and withdrawals.

Monthly salary warrants.

Passed the Senate March 8, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 190.

[S. B. 104.]

INSURANCE CODE.

AN ACT relating to insurance and to the regulation of insurance companies and the insurance business; amending sections .02.09, .03.07, .04.02, .05.09, .06.09, .06.18, .06.20, .09.18, .09.22, .09.23, .09.25, .09.26, .09.33, .09.34, .10.12, .13.12, .13.16, .13.22, .13.34, .13.35, .14.04, .15.16, .17.11, .17.26, .18.43, .18.46, .21.01, .31.03, .32.06, .32.07, .32.35, .32.41, chapter 79, Laws of 1947 (sections 45.02.09, 45.03.07, 45.04.02, 45.05.09, 45.06.09, 45.06.18, 45.06.20, 45.09.18, 45.09.22, 45.09.23, 45.09.25, 45.09.26, 45.09.33, 45.09.34, 45.10.12, 45.13.12, 45.13.16, 45.13.22, 45.13.34, 45.13.35, 45.14.04, 45.15.16, 45.17.11, 45.17.26, 45.18.43, 45.18.46, 45.21.01, 45.31.03, 45.32.06, 45.32.07, 45.32.35, 45.32.41, Rem. Supp. 1947); amending chapter 79, Laws of 1947, by adding thereto three new sections to be known as section .14.08, section .24.08 and section .30.25.

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

SECTION 1. Section .02.09, chapter 79, Laws of 1947 (section 45.02.09, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .02.09 *Deputies, Employees*: 1. The Commissioner may appoint a Chief Deputy Commissioner, who shall have power to perform any act or duty conferred upon the Commissioner. The Chief Deputy Commissioner shall take and subscribe the same oath of office as the Commissioner, which oath shall be endorsed upon the certificate of his appointment and filed in the office of the Secretary of State. Commissioner may appoint a Chief Deputy Commissioner.

2. The Commissioner may appoint additional Deputy Commissioners for such purposes as he may designate. Additional deputies.

3. The Commissioner shall be responsible for the official acts of his deputies, and may revoke at will the appointment of any deputy. Commissioner responsible.

4. The Commissioner may employ examiners, and such actuarial, technical, and administrative as- May appoint assistants and clerks.

sistants and clerks as he may need for proper discharge of his duties.

No interest in insurers.

5. The Commissioner, or any deputy or employee of the Commissioner, shall not be interested, directly or indirectly, in any insurer except as a policyholder; except, that as to such matters wherein a conflict of interests does not exist on the part of any such person, the Commissioner may employ insurance actuaries or other technicians who are independently practicing their professions even though such persons are similiarly employed by insurers.

Exception.

Employees may be bonded.

6. The Commissioner may require any deputy or employee to be bonded as he shall deem proper but not to exceed in amount the sum of twenty-five thousand dollars (\$25,000). The cost of any such bond shall be borne by the state.

Amendment.

SEC. 2. Section .03.07, chapter 79, Laws of 1947 (section 45.03.07, Rem. Supp. 1947), is amended to read as follows:

Depositions, subpoenas, oaths and examinations.

Section .03.07 *Witnesses Subpoenaed*: 1. The Commissioner may take depositions, may subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any hearing or investigation.

Effect of subpoena.

2. The subpoena shall have the same force and effect and shall be served in the same manner as if issued from a court of record.

Witness fees and mileage.

3. Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of record. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person as to whom the examination is being made, or by the person if other than the Commissioner, at whose request the hearing is held.

4. If any individual fails to obey the subpoena, or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of the hearing, the Commissioner shall file his written report thereof and proof of service of his subpoena, in any court of competent jurisdiction in the county where the examination, hearing, or investigation is being conducted. Thereupon the Court shall forthwith cause the individual to be brought before it and shall punish him as if the failure or refusal related to a subpoena from or testimony in that Court.

Failure to appear or testify.

SEC. 3. Section .04.02, chapter 79, Laws of 1947 (section 45.04.02, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .04.02 *Stay of Action*: 1. Such demand for a hearing received by the Commissioner prior to the effective date of action taken or proposed to be taken by him shall stay such action pending the hearing, except as to action taken or proposed

Action stayed automatically.

- (1) under an order on hearing, or
- (2) under an order pursuant to an order on hearing, or
- (3) under an order to make good an impairment of the assets of an insurer.

Exceptions.

2. In any case where an automatic stay is not provided for, and if the Commissioner after written request therefor fails to grant a stay, the person aggrieved thereby may apply to the Superior Court for Thurston County for a stay of the Commissioner's action.

Court may grant stay.

SEC. 4. Section .05.09, chapter 79, Laws of 1947 (section 45.05.09, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .05.09 *Alien Insurers—United States Assets Required*: 1. An alien insurer shall not be authorized to transact insurance in this state unless it maintains within the United States assets in amount

Assets required in United States for alien insurers.

Amount of assets required.

not less than its outstanding liabilities arising out of its insurance transactions in the United States, nor unless it maintains a trust deposit in an amount not less than the required reserves under its policies resulting from such transactions (after deducting, in the case of a life insurer, the amount of outstanding policy loans on such policies) plus assets equal to the larger of the following sums:

(1) The largest amount of deposit required by this code to be made in this state by any type of domestic insurer transacting like kinds of insurance; or

(2) Two hundred thousand dollars (\$200,000).

Trust deposit.

2. The trust deposit shall be for the security of all policyholders or policyholders and obligees of the insurer in the United States. It shall not be subject to diminution below the amount currently determined in accordance with paragraph one of this section so long as the insurer has outstanding any liabilities arising out of its business transacted in the United States.

Maintenance of trust deposits.

3. The trust deposit shall be maintained with public depositories or trust institutions within the United States approved by the Commissioner.

Amendment.

SEC. 5. Section .06.09, chapter 79, Laws of 1947 (section 45.06.09, Rem. Supp. 1947), is amended to read as follows:

Organization solicitor's permit.

Section .0609 *Organization Solicitor's License*: Solicitation for sale of securities to members of the public under a solicitation permit shall be made only by individuals licensed therefor pursuant to the provisions of the Securities Act.

Amendment.

SEC. 6. Section .06.18, chapter 79, Laws of 1947 (section 45.06.18, Rem. Supp. 1947), is amended to read as follows:

Subsequent financing.

Section .06.18 *Subsequent Financing*: 1. No domestic insurer, or insurance holding corporation, or stock corporation for financing operations of a mu-

tual insurer, or attorney-in-fact corporation of a reciprocal insurer, after

(1) It has received a certificate of authority, if an insurer, or Solicitation permit required.

(2) it has completed its initial organization and financing if a corporation other than an insurer, shall solicit or receive funds in exchange for any new issue of its corporate securities, other than through a stock dividend, until it has applied to the Commissioner for, and has been granted, a solicitation permit.

2. The Commissioner shall issue such a permit unless he finds that: Issuance of permit.

(1) the funds proposed to be secured are excessive in amount for the purpose intended, or Grounds for not issuing.

(2) the proposed securities or the manner of their distribution are inequitable, or

(3) the issuance of the securities would jeopardize the interests of policyholders or the holders of other securities of the insurer or corporation.

3. Any such solicitation permit granted by the Commissioner shall be for such duration, and shall contain such terms and be issued upon such conditions as the Commissioner may reasonably specify or require. Duration and terms of permit.

SEC. 7. Section .06.20, chapter 79, Laws of 1947 (section 45.06.20, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .06.20 *Articles of Incorporation*: 1. This section applies to insurers hereafter incorporated in this state. Section not retroactive.

2. The incorporators shall be individuals who are United States citizens, of whom two-thirds shall be residents of this state. The number of incorporators shall be not less than five (5) if a stock insurer, nor less than ten (10) if a mutual insurer. Incorporators.

3. The incorporators shall execute articles of incorporation in quadruplicate and acknowledge their Execution of articles.

signatures thereunto before an officer authorized to take acknowledgments of deeds.

Filing of articles.

4. After approval of the articles by the Commissioner, one copy shall be filed in the office of the Secretary of State, another in the office of the Commissioner, another in the office of the County Auditor of the county in which the insurer's principal offices are to be located, and the fourth copy shall be retained by the insurer.

Contents of articles.

5. The articles of incorporation shall state:

Incorporators.

First: The names and addresses of the incorporators.

Name.

Second: The name of the insurer. If a mutual insurer the name shall include the word "mutual."

Objects.

Third: (1) The objects for which the insurer is formed;

Stock or mutual company.

(2) whether it is a stock or mutual insurer, and if a mutual property insurer only, whether it will insure on the cash premium or assessment plan;

Kind of insurance.

(3) the kinds of insurance it will issue, according to the designations made in this code.

If stock insurer.

Fourth: If a stock insurer, the amount of its capital, the aggregate number of shares, and the par value of each share, which par value shall be not less than ten dollars (\$10). If a mutual insurer, the maximum contingent liability of its policyholders for the payment of its expenses and losses occurring under its policies.

If mutual insurer.

Duration.

Fifth: The duration of its existence, which may be perpetual.

Directors.

Sixth: The names and addresses of the directors, not less than five (5) in number, who shall constitute the Board of Directors of the insurer for the initial term, not less than two (2) nor more than six (6) months, as designated in the articles of incorporation.

Seventh: The name of the city or town of this state in which the insurer's principal place of business is to be located.

Principal place of business.

Eighth: Other provisions not inconsistent with law as may be deemed proper by the incorporators.

Other provisions.

SEC. 8. Section .09.18, chapter 79, Laws of 1947 (section 45.09.18, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .09.18 *Expenses, Property and Casualty:*

Expenses, property and casualty.

1. For any calendar year after its first two (2) full calendar years of operation, no domestic mutual insurer on the cash premium plan, other than one issuing nonassessable policies, shall incur any costs or expense in the writing or administration of property, disability, and casualty insurances (other than boiler and machinery or elevator) transacted by it which, exclusive of losses paid, loss adjustment expenses, investment expenses, dividends, and taxes exceeds the sum of

Limitation on expenses.

(1) forty per cent (40%) of the net premium income during that year after deducting therefrom net earned reinsurance premiums for such year, plus

(2) all of the reinsurance commissions received on reinsurance ceded by it.

2. The by-laws of every domestic mutual property insurer on the assessment premium plan shall impose a reasonable limitation upon its expenses.

Limitation on expenses in by-laws.

SEC. 9. Section .09.22, chapter 79, Laws of 1947 (section 45.09.22, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .09.22 *Contingent Liability of Members:*

Contingent liability of members.

1. Each member of a domestic mutual insurer, except as otherwise provided in this article, shall have a contingent liability, pro rata and not one for another, for the discharge of its obligations. The contingent liability shall be in such maximum amount as is stated in the insurer's articles of incorporation, but

shall be not less than one (1), nor more than five (5), additional premiums for the member's policy at the annual premium rate and for a term of one (1) year.

Policy to contain statement.

2. Every policy issued by the insurer shall contain a statement of the contingent liability.

Liability remains after cancellation of policy.

3. Termination of the policy of any such member shall not relieve the member of contingent liability for his proportion of the obligations of the insurer which accrued while the policy was in force.

Amendment.

SEC. 10. Section .09.23, chapter 79, Laws of 1947 (section 45.09.23, Rem. Supp. 1947), is amended to read as follows:

Accrual of liability.

Section .09.23 *Accrual of Liability*: 1. If at any time the assets of a domestic mutual insurer doing business on the cash premium plan are less than its liabilities and the minimum surplus, if any, required of it by this code as prerequisite for continuance of its certificate of authority, and the deficiency is not cured from other sources, its directors may, if approved by the Commissioner, make an assessment only on its members who at any time within the twelve (12) months immediately preceding the date such assessment was authorized by its directors held policies providing for contingent liability.

Assessment of members.

Amount of assessment.

2. Such an assessment shall be for such an amount of money as is required, in the opinion of the Commissioner, to render the insurer fully solvent, but not to result in surplus in excess of five per centum (5%) of the insurer's liabilities as of the date of the assessment.

Computation of member's proportionate share.

3. A member's proportionate part of any such assessment shall be computed by applying to the premium earned, during the period since the deficiency first appeared, on his contingently liable policy or policies the ratio of the total assessment to the total premium earned during such period on

all contingently liable policies which are subject to the assessment.

4. No member shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium or losses payable. No offset for claims.

SEC. 11. Section .09.25, chapter 79, Laws of 1947 (section 45.09.25, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .09.25 *Contingent Liability as Asset*: Any contingent liability of members of a domestic mutual insurer to assessment does not constitute an asset of the insurer in any determination of its financial condition. Contingent liability not an asset of insurer.

SEC. 12. Section .09.26, chapter 79, Laws of 1947 (section 45.09.26, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .09.26 *Lien on Reserves*: As to life insurance, any portion of an assessment of contingent liability upon a policyholder which remains unpaid following notice of such assessment, demand for payment, and lapse of a reasonable waiting period as specified in such notice, may, if approved by the Commissioner, be secured by placing a lien on the reserves held by the insurer to the credit of such policyholder. Lien on reserves.

SEC. 13. Section .09.33, chapter 79, Laws of 1947 (section 45.09.33, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .09.33 *Repayment of Borrowed Capital*: Repayment of borrowed capital.
1. The insurer may repay any loan received pursuant to section .09.32, or any part thereof as approved by the Commissioner, only out of its funds which represent such loan or realized net earned surplus. No repayment shall be made which reduces the insurer's surplus below the minimum surplus required for the kinds of insurance transacted.

2. The insurer shall repay any such loan or the largest possible part thereof when the purposes for When repayable.

which such funds were borrowed have been fulfilled and when the insurer's surplus is adequate to so repay without unreasonable impairment of the insurer's operations.

Commis-
sioner to
approve
repayment.

3. No repayment of such loan shall be made unless approved by the Commissioner. The insurer shall notify the Commissioner in writing not less than sixty (60) days in advance of its intention to repay such loan or any part thereof, and the Commissioner shall forthwith ascertain whether the insurer's financial condition is such that the repayment can properly be made.

Repayment
upon
dissolution.

4. Upon dissolution and liquidation of the insurer, after the retirement of all its other outstanding obligations the holders of any such loan agreements then remaining unpaid shall be entitled to payment before any distribution of surplus is made to the insurer's members.

Amendment.

SEC. 14. Section .09.34, chapter 79, Laws of 1947 (section 45.09.34, Rem. Supp. 1947), is amended to read as follows:

Impairment
of surplus.

Section .09.34 *Impairment of Assets*: 1. If the assets of a domestic mutual insurer on the cash premium plan fall below the amount of its liabilities, plus the amount of any surplus required by this code for the kinds of insurance authorized to be transacted, the Commissioner shall at once ascertain the amount of the deficiency and serve notice upon the insurer to cure the deficiency within ninety (90) days after such service of notice.

When insurer
deemed
insolvent.

2. If the deficiency is not made good in cash or in assets eligible under this code for the investment of the insurer's funds, and proof thereof filed with the Commissioner within such ninety-day period, the insurer shall be deemed insolvent and shall be proceeded against as authorized by this code.

No more
policies
issued.

3. If the deficiency is not made good the insurer shall not issue or deliver any policy after the expira-

tion of such ninety-day period. Any officer or director who violates or knowingly permits the violating of this provision shall be subject to a fine of from fifty dollars (\$50) to one thousand dollars (\$1,000) for each violation.

Penalty for violation.

SEC. 15. Section .10.12, chapter 79, Laws of 1947 (section 45.10.12, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .10.12 *Power of Attorney*: 1. The rights and powers of the attorney of a reciprocal insurer shall be as provided in the power of attorney given it by the subscribers.

Power of attorney.

2. The power of attorney must set forth:

Contents.

(1) The powers of the attorney;

Powers.

(2) that the attorney is empowered to accept service of process on behalf of the insurer and to authorize the Commissioner to receive service of process in actions against the insurer upon contracts exchanged;

Service of process.

(3) the services to be performed by the attorney in general;

Services.

(4) the maximum amount to be deducted from advance premiums or deposits to be paid to the attorney;

Deductions for payments.

(5) except as to nonassessable policies, a provision for a contingent several liability of each subscriber in a specified amount which amount shall be not less than one (1) nor more than ten (10) times the premium or premium deposit stated in the policy.

Liability of subscribers.

3. The power of attorney may:

Optional provisions.

(1) Provide for the right of substitution of the attorney and revocation of the power of attorney and rights thereunder;

Substitution.

(2) impose such restrictions upon the exercise of the power as are agreed upon by the subscribers;

Restrictions.

Exercise rights of subscribers. (3) provide for the exercise of any right reserved to the subscribers directly or through their advisory committee;

Other provisions. (4) contain other lawful provisions deemed advisable.

Shall be reasonable and equitable. 4. The terms of any power of attorney or agreement collateral thereto shall be reasonable and equitable, and no such power or agreement or any amendment thereof, shall be used or be effective in this state until approved by the Commissioner.

Amendment. SEC. 16. Section .13.12, chapter 79, Laws of 1947 (section 45.13.12, Rem. Supp. 1947), is amended to read as follows:

Mortgage loan limit by property value. Section .13.12 *Mortgage Loan Limited by Property Value*: 1. No mortgage loan or investment therein upon any one parcel of real property shall exceed in amount at the time of acquisition:

Dwellings. (1) Seventy-five per cent (75%) of the fair value of the property if the property is a dwelling house primarily intended for occupancy by one family and the loan is required to be amortized within not more than twenty (20) years by payment of installments thereon at regular intervals not less frequent than every three (3) months; or

Other cases. (2) sixty-six and two-thirds per cent (66 $\frac{2}{3}$ %) of the fair value of the property in all other cases.

Extent of certain guarantees may be deducted. 2. The extent to which a mortgage loan made under item (3) or (4) of section .13.11 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in paragraph one of this section.

Amendment. SEC. 17. Section .13.16, chapter 79, Laws of 1947 (section 45.13.16, Rem. Supp. 1947), is amended to read as follows:

Real property owned. Section .13.16 *Real Property Owned*: 1. An insurer may own and invest or have invested in its

home office and branch office buildings any of its funds in aggregate amount not to exceed ten per cent (10%) of its assets unless approved by the Commissioner, or if a mutual or reciprocal insurer not to exceed ten per cent (10%) of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars (\$50,000) unless approved by the Commissioner.

Home office building.

2. An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business, and may invest or have invested in aggregate amount not exceeding three per cent (3%) of its assets in other real property, and in the repair, alteration, furnishing, or improvement thereof, as follows only:

Property acquired in satisfaction of obligations.

(1) Other real property requisite for its accommodation in the convenient transaction of its business if approved by the Commissioner.

Property for transaction of business.

(2) Real property acquired by gift or devise.

Gifts and devises.

(3) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty per cent (20%) of the fair value of its real property to be so exchanged, in addition to such property.

Exchanges.

(4) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purposes specified in paragraph one and in item (1) of paragraph two of this section.

Property acquired by merger.

(5) Upon approval of the Commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

Property and equipment held for protection or incidental purposes.

Amendment. SEC. 18. Section .13.22, chapter 79, Laws of 1947 (section 45.13.22, Rem. Supp. 1947), is amended to read as follows:

Common stocks. Section .13.22 *Common Stocks*: 1. After satisfying the requirements of section .13.26, an insurer may invest any of its funds in common shares of stock in solvent United States corporations that qualify as a sound investment; except, that as to life insurers such investments shall further not aggregate an amount in excess of fifty per centum (50%) of the insurer's surplus over its minimum required surplus.

Maximum investment in one corporation. 2. The insurer shall not invest in or loan upon the security of more than ten per cent (10%) of the outstanding common shares of any one such corporation, subject further to amount invested as limited by section .13.03. This limitation shall not apply to investment in the securities of any subsidiary corporation of the insurer which is engaged exclusively in a kind of business properly incidental to the insurance business of the insurer.

Amendment. SEC. 19. Section .13.34, chapter 79, Laws of 1947 (section 45.13.34, Rem. Supp. 1947), is amended to read as follows:

Authorization of investments by board of directors or committee authorized by insurer. Section .13.34 *Authorization of Investments*: No investment, loan, sale or exchange thereof shall, except as to the policy loans of a life insurer, be made by any domestic insurer unless authorized or approved by its Board of Directors or by a committee charged by the Board of Directors or the by-laws with the duty of making such investment, loan, sale or exchange. The minutes of any such committee shall be recorded and reports thereof shall be submitted to the Board of Directors for approval or disapproval.

Amendment. SEC. 20. Section .13.35, chapter 79, Laws of 1947 (section 45.13.35, Rem. Supp. 1947), is amended to read as follows:

Section .13.35 *Record of Investments*: 1. As to each investment or loan of the funds of a domestic insurer a written record in permanent form showing the authorization thereof shall be made and signed by an officer of the insurer or by the chairman of such committee authorizing the investment or loan.

Record of investments to be made in permanent form.

2. As to each such investment or loan the insurer's records shall contain:

Contents of records.

(1) In the case of loans: The name of the borrower; the location and legal description of the property; a physical description, and the appraised value of the security; the amount of the loan, rate of interest and terms of repayment.

Loans.

(2) In the case of securities: The name of the obligor; a description of the security and the record of earnings; the amount invested, the rate of interest or dividend, the maturity and yield based upon the purchase price.

Securities.

(3) In the case of real estate: The location and legal description of the property; a physical description and the appraised value; the purchase price and terms.

Real estate.

(4) In the case of all investments:

All investments.

(a) The amount of expenses and commissions if any incurred on account of any investment or loan and by whom and to whom payable if not covered by contracts with mortgage loan representatives or correspondents which are part of the insurer's records.

Expenses and commissions.

(b) The name of any officer or director of the insurer having any direct, indirect, or contingent interest in the securities or loan representing the investment, or in the assets of the person in whose behalf the investment or loan is made, and the nature of such interest.

Official directly or indirectly interested.

SEC. 21. Section .14.04, chapter 79, Laws of 1947 (section 45.14.04, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Retaliatory provisions.

Section .14.04 *Retaliatory Provision*: 1. If pursuant to the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits, or other obligations or prohibitions, in the aggregate, or additional to or at a net rate in excess of any such taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions imposed by the laws of this state upon like foreign or alien insurers and their agents and solicitors, are imposed on insurers of this state and their agents doing business in such other state or country, a like rate, obligation or prohibition may be imposed by the Commissioner, as to any item or combination of items involved, upon all insurers of such other state or country and their agents doing business in this state, so long as such laws remain in force or are so applied.

Domicile of alien insurers.

2. For the purposes of this section an alien insurer, may be deemed to be domiciled in the state wherein it has established its principal office or agency in the United States. If no such office or agency has been established, the domicile of the alien insurer shall be deemed to be the country under the laws of which it is formed.

Taxes in this code in lieu of certain other taxes.

Section .14.08 *In Lieu Provision*: As to insurers other than title insurers, the taxes imposed by this code shall be in lieu of all other taxes, except taxes on real and tangible personal property and excise taxes on the sale, purchase or use of such property.

Amendment.

SEC. 22. Section .15.16, chapter 79, Laws of 1947 (section 45.15.16, Rem. Supp. 1947), is amended to read as follows:

Exemptions.

Section .15.16 *Exemptions*: 1. The provisions of this article controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or to the following insurances when so placed by licensed agents or brokers of this state:

This article not applicable to reinsurance or certain insurances.

- (1) Ocean marine and foreign trade insurances.
- (2) Insurance on subjects located, resident, or

to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(3) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(4) Insurance of aircraft owned or operated by manufacturers of aircraft, or of aircraft operated in schedule interstate flight, or cargo of such aircraft, or against liability, other than Workmen's Compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft.

2. Agents and brokers so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under this article. The record shall be preserved for not less than five (5) years from the effective date of the insurance and shall be kept available in this state and open to the examination of the Commissioner. The agent or broker shall furnish to the Commissioner at his request and on forms as designated and furnished by him a report of all such coverages so placed in a designated calendar year.

Agents and brokers to keep and preserve records.

SEC. 23. Section .17.11, chapter 79, Laws of 1947 (section 45.17.11, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .17.11 *Examinations for License*: 1. Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the Commissioner an examination given by the Commissioner as a test of his qualifications and competence; but this requirement shall not apply to:

Examinations for license.

When required.

(1) Applicants for limited licenses, as travel insurance agents only, under section .17.19; nor, at the discretion of the Commissioner, to applicants for licenses as disability insurance agents for the purpose

When not required.

of handling limited coverages pertaining to sports and recreation.

(2) Applicants who within the five-year period next preceding date of application have been licensed in this state under a license requiring qualifications similar to qualifications required by the license applied for and who are deemed by the Commissioner to be fully qualified and competent.

(3) Applicants for license as nonresident agent or as nonresident broker who have fulfilled qualification requirements in their state of residence and who are deemed by the Commissioner to be fully qualified and competent.

(4) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

Application for renewal.

2. Applicants for the renewal of licenses in force on the effective date of this code or issued thereafter shall not be required to take an examination except as provided in paragraph three of this section.

When commissioner may require examination for continuation or renewal.

3. The Commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the Commissioner reasonably to desire further evidence of his qualifications.

Amendment.

SEC. 24. Section .17.26, chapter 79, Laws of 1947 (section 45.17.26, Rem. Supp. 1947), is amended to read as follows:

Broker's authority.

Section .17.26 *Broker's Authority and Commissions*: 1. A broker, as such, is not an agent or other representative of an insurer, and does not have power, by his own acts, to bind the insurer upon

any risk or with reference to any insurance contract.

2. An insurer or agent shall have the right to pay to a broker licensed under this code, or under the laws of any other state or province, and such broker shall have the right to receive from the insurer or agent, the customary commissions upon insurances placed in the insurer by the broker. Commissions.

SEC. 25. Section .18.43, chapter 79, Laws of 1947 (section 45.18.43, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .18.43 *Exemption of Proceeds, Commutation—Annuities*: 1. The benefits, rights, privileges and options which under any annuity contract heretofore or hereafter issued are due or prospectively due the annuitant who paid the consideration for the annuity contract, shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except: Exemption of proceeds—annuities.

(1) As to amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office prior to the making of the payments to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the insurance or annuity contract, the person insured or annuitant and the payments sought to be avoided on the ground of fraud. Exceptions.

(2) The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which he is an annuitant, shall not at any time ex- Amounts in excess of \$250 per month.

ceed two hundred and fifty dollars (\$250) per month for the length of time represented by such installments, and that such periodic payment in excess of two hundred and fifty dollars (\$250) per month shall be subject to garnishee execution to the same extent as are wages and salaries.

Powers of courts.

(3) If the total benefits presently due and payable to any annuitant under all annuity contracts under which he is an annuitant, shall at any time exceed payment at the rate of two hundred and fifty dollars (\$250) per month, then the Court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the Court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and his family, if dependent upon him, as well as any payments required to be made by the annuitant to other creditors under prior court orders.

Rights not transferable or subject to commutation.

2. The benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable nor subject to commutation, and if the benefits are payable periodically or at stated times, the same exemptions and exceptions contained herein for the annuitant, shall apply with respect to such beneficiary or assignee.

"Annuity contract."

3. An annuity contract within the meaning of this section shall be any obligation to pay certain sums at stated times, during life or lives, or for a specified term or terms, issued for a valuable consideration, regardless of whether or not such sums are payable to one (1) or more persons, jointly or otherwise, but does not include payments under life insurance contracts at stated times during life or lives, or for a specified term or terms.

Amendment.

SEC. 26. Section .18.46, chapter 79, Laws of 1947 (section 45.18.46, Rem. Supp. 1947), is amended to read as follows:

Section .18.46 *Forms for Proof of Loss Furnished*: An insurer shall furnish, upon written request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion.

Forms of proof of loss furnished.

SEC. 27. Section .21.01, chapter 79, Laws of 1947 (section 45.21.01, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .21.01 *Group Disability Insurance Defined*: Group disability insurance is that form of disability insurance provided by a master policy issued to an employer, to a trustee appointed by an employer or employers, or to an association of employers formed for purposes other than obtaining such insurance, covering, with or without their dependents, the employees, or specified categories of the employees, of such employers or their subsidiaries or affiliates, or issued to a labor union, or to an association of employees formed for purposes other than obtaining such insurance, covering, with or without their dependents, the members, or specified categories of the members, of the labor union or association, or issued pursuant to section .21.03. Group disability insurance shall also include such other groups as qualify for group life insurance under the provisions of this code.

Group disability insurance defined.

SEC. 28. Section .31.03, chapter 79, Laws of 1947 (section 45.31.03, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section .31.03 *Grounds for Rehabilitation*: The Commissioner may apply for an order directing him to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

Grounds for rehabilitation.

(1) is insolvent; or,

Insolvency.

Refusal to be examined.

(2) has refused to submit its books, records, accounts or affairs to the reasonable examination of the Commissioner; or,

Violation of commissioner's orders.

(3) has failed to comply with the Commissioner's order, made pursuant to law, to make good an impairment of capital (if a stock insurer) or an impairment of assets (if a mutual or reciprocal insurer) within the time prescribed by law; or,

Unauthorized merger.

(4) has transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the Commissioner; or,

Hazardous condition.

(5) is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public; or,

Violation of law or charter.

(6) has willfully violated its charter or any law of this state; or,

Refusal of officer or director to testify.

(7) has an officer, director, or manager who has refused to be examined under oath, concerning its affairs, for which purpose the Commissioner is authorized to conduct and to enforce by all appropriate and available means any such examination under oath in any other state or territory of the United States, in which any such officer, director or manager may then presently be, to the full extent permitted by the laws of any such other state or territory, this special authorization considered; or,

Receiver appointed or appointment imminent.

(8) has been the subject of an application for the appointment of a receiver, trustee, custodian or sequestrator of the insurer or of its property, or if a receiver, trustee, custodian, or sequestrator is appointed by a Federal court or if such appointment is imminent; or,

(9) has consented to such an order through a majority of its directors, stockholders, members, or subscribers; or, Has consented to appointment.

(10) has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within thirty (30) days after the judgment became final or within thirty (30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later. Failure to pay final judgment.

SEC. 29. Section .32.06, chapter 79, Laws of 1947 (section 45.32.06, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section .32.06 *Beneficiaries*: Each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules, or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, That any society may, by its laws, limit the scope of beneficiaries within designated classes. Beneficiaries.

SEC. 30. Section .32.07, chapter 79, Laws of 1947 (section 45.32.07, Rem. Supp. 1947) is amended to read as follows: Amendment.

Section .32.07 *Qualifications for Membership*: Any society may admit to beneficiary membership any person not less than sixteen (16) and not more than sixty (60) 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. Noth- Qualifications for membership.

Age limitations.

Medical examination.

General
or social
members.

ing 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 (16) nor more than sixty (60) 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 five thousand dollars (\$5,000).

Certificate
amount lim-
ited if issued
without
medical ex-
amination.

Amendment.

SEC. 31. Section .32.35, chapter 79, Laws of 1947 (section 45.32.35, Rem. Supp. 1947), is amended to read as follows:

Juvenile
benefits.

Section .32.35 *Juvenile Benefits*: Any fraternal benefit society operating on the lodge system and authorized to transact the business of fraternal insurance in this state, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of one (1) and eighteen (18) years at next birthday. Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable, as above provided, shall in no case exceed the amount of three thousand dollars (\$3,000).

Branches
optional.

Benefits
limited.

Amendment.

SEC. 32. Section .32.41, chapter 79, Laws of 1947 (section 45.32.41, Rem. Supp. 1947), is amended to read as follows:

Fraternal
mutual prop-
erty insurer
defined.

Section .32.41 *Fraternal Mutual Property insurers*: 1. A domestic mutual property insurer which is affiliated with and is comprised exclusively of members of a specified fraternal society, which society conducts its business and secures its mem-

bership on the lodge system, having ritualistic work and ceremonies, is herein designated as a fraternal mutual insurer.

2. Only fraternal mutual property insurers which were authorized insurers immediately prior to the effective date of this code may hereafter be so authorized.

Limited to those authorized on effective date of code.

3. Such an insurer shall be subject to the applicable provisions of this code governing domestic mutual insurers except only as to the provisions relative to taxes, fees and licenses. The by-laws of such insurer shall be as adopted or amended by majority vote of its members present at a duly held meeting of its members, and a copy thereof shall be filed with the Commissioner. Such an insurer shall pay for its annual license and filing its annual statement, the sum of ten dollars (\$10). Such an insurer shall pay the expense of examinations of it by the Commissioner, upon statement furnished by the Commissioner.

Exemptions.

By-laws.

License fee.

4. Such an insurer may insure corporations, associations, and firms owned by and affiliated with such society and operated for the benefit of its members, and may insure corporations and firms a majority of whose shareholders or members are members of such society.

Whom insurer may insure.

5. Such an insurer doing business on the assessment premium plan:

Assessment premium plan.

(1) Shall be exempt also from the provisions of this code governing financial qualifications.

Exemption.

(2) Shall not be authorized to transact any kind of insurance other than property insurance, nor have authority to accept reinsurance.

Limited on property insurance.

6. Such an insurer doing business on the cash premium plan:

Cash premium plan.

(1) May be authorized to transact additional kinds of insurance, other than life or title insurance, subject to the same requirements as to surplus funds

May be authorized to transact other insurance business.

and reserves as apply to domestic mutual insurers on the cash premium plan.

May accept other business from similar insurers.

(2) May accept reinsurance only of such kinds of insurance as it is authorized to transact direct and only from insurers likewise affiliated with and composed solely of the members of the same designated fraternal society.

Amendment.

SEC. 33. Chapter 79, Laws of 1947, is amended by adding thereto a new section to be known as section .24.08 and to read as follows:

Agent groups.

Section .24.08 *Agent Groups*: The lives of a group of individuals may be insured under a policy issued to a principal, or if such principal is a life insurer, by or to such principal, covering when issued not less than twenty-five (25) agents of such principal, subject to the following requirements:

Agents eligible for insurance.

(1) The agents eligible for insurance under the policy shall be those who are under contract to render personal services for such principal for a commission or other fixed or ascertainable compensation.

Coverage of policy.

(2) The policy must insure either all of the agents or all of any class or classes thereof, determined by conditions pertaining to the services to be rendered by such agents, except that if a policy is intended to insure several such classes it may be issued to insure any such class of which seventy-five per cent (75%) are covered and extended to other classes as seventy-five per cent (75%) thereof express the desire to be covered.

Payment of premium.

(3) The premium on the policy shall be paid by the principal or by the principal and the agents jointly. When the premium is paid by the principal and agents jointly and the benefits of the policy are offered to all eligible agents, the policy, when issued, must insure not less than seventy-five per cent (75%) of such agents.

(4) The amounts of insurance shall be based

upon some plan which will preclude individual selection. Amounts of insurance.

(5) The insurance shall be for the benefit of persons other than the principal. Benefit of insurance.

(6) Such policy shall terminate if, subsequent to issue the number of agents insured falls below twenty-five (25) lives or seventy-five per cent (75%) of the number eligible and the contribution of the agents, if the premiums are on a renewable term insurance basis, exceed one dollar (\$1) per month per one thousand dollars (\$1,000) of insurance coverage plus any additional premium per one thousand dollars (\$1,000) of insurance coverage charged to cover one or more hazardous occupations. Termination of policy.

(7) For the purposes of this section the term "agents" shall be deemed to include agents, sub-agents, solicitors, and salesmen. "Agents" defined.

SEC. 34. Chapter 79, Laws of 1947, is amended by adding thereto a new section to be known as section .30.25 and to read as follows: Amendment.

Section .30.25 *Interlocking Ownership, Management*: 1. Any insurer may retain, invest in or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers, unless such retention, investment, acquisition or common management is inconsistent with any other provision of this code, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business or tends to create a monopoly therein. Interlocking ownership and management.

2. Any person otherwise qualified may be a director of two or more insurers which are competitors, unless the effect thereof is to substantially lessen competition between insurers generally or tends to create a monopoly. Person may be director of two or more insurers.

Violations
of section.

3. If the Commissioner finds, after a hearing thereon, that there is violation of this section he shall order all such persons and insurers to cease and desist from such violation within such time, or extension thereof, as may be specified in such order.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 191.

[S. B. 156.]

WASHINGTON STATE APPLE ADVERTISING
COMMISSION.

AN ACT relating to apples; providing the method of election and the terms of office of members of the Washington State Apple Advertising Commission; and amending section 3, chapter 195, Laws of 1937.

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

Amendment.

SECTION 1. Section 3, chapter 195, Laws of 1937 (sec. 2874-3, Rem. Rev. Stat. Supp.), is amended to read as follows:

Commission
created.

Section 3. There is hereby created a Washington State Apple Advertising Commission to be thus known and designated. The Commission shall be composed of seven practical apple producers and four practical apple dealers. The Director of Agriculture and Supervisor of Horticulture of the State of Washington shall be ex-officio members of the Commission without vote. The seven producer members shall be citizens and residents of this state, over the age of twenty-five 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 years, and has during that period derived the major portion of his income therefrom, and who is not engaged in business directly or indirectly as a

Members.

Ex-officio
members.

Qualifica-
tions of
members.

dealer. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association or co-operative organization, are and have been actively engaged as dealers in apples within the State of Washington, and are citizens and residents of this state. The qualifications of members of the Commission as herein set forth must continue during their term of office.

Eleven men with the qualifications stated above shall be elected members of said Commission; three of the grower members, being positions one, two and three, shall be from District No. 1, one of whom shall be from Okanogan County; three of the grower members, being positions four, five and six, from District No. 2; and one grower member, being position seven, from District No. 3. Two of the dealer members, being positions eight and nine, shall be from District No. 1; and two of the dealer members, being positions ten and eleven, shall be from District No. 2.

Elected
members.

The regular term of office of the members of the Commission shall be three years from the date of election and until their successors are elected and qualified, except, however, that the first terms of the members of the Commission whose terms begin on July 1, 1949 shall be as follows: Positions one and four shall terminate on March 1, 1951; positions two, five, eight and ten shall terminate on March 1, 1952; and positions three, six, seven, nine and eleven shall terminate on March 1, 1953.

Term of
office.

The Director of Agriculture shall immediately after this act becomes effective call a meeting of apple growers in each of the three districts and meetings of apple dealers in District No. 1 and District No. 2 for the purpose of nominating their respective members of the Commission who shall take office on July 1, 1949. Subsequent to December 1,

Director shall
call meeting
for nomi-
nations.

District meetings for nominations.

1950 district meetings of each group shall be called annually by the Director of Agriculture for the purpose of nominating their respective members of the Commission at times and places to be fixed by the Commission. Said meetings shall be held annually not later than February 5th of each year commencing in 1951. In so far as practicable, the said meetings of growers shall be held at the same time and place as the annual state and district meetings of the Washington State Horticultural Association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the Commission in such manner as it may determine: *Provided*, That non-receipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee or Yakima office of the Commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

Notice of meetings.

Nominations.

Election of members.

The members of the Commission shall be elected by secret mail ballot under the supervision of the Director of Agriculture. Grower members of the Commission shall be elected by a majority of the votes cast by the apple growers in the respective districts, each grower being entitled to one vote. Dealer members of the Commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual election meeting shall be filled by vote of the remaining members of the Commission. At such annual election a Commissioner shall be elected to fill the balance of the unexpired term.

Vacancies.

A majority of the voting 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 or traveling to and from meetings of the Commission, or on special assignment for the Commission, together with actual expenses incurred in carrying out the provisions of this act.

Compensation.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 192.

[S. B. 198.]

WASHINGTON STATE PATROL.

AN ACT relating to the Washington State Patrol; providing competitive examinations for promotion of patrol officers; defining probationary ranks, and fixing minimum salaries for officers; amending section 3, chapter 25, Laws of 1933; and adding new sections to be known as sections 3-A, 3-B, 3-C, 3-D, 3-E; and declaring an emergency.

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

SECTION 1. Section 3, chapter 25, Laws of 1933 (sec. 6362-61, Rem. Rev. Stat., Vol. 7A), is amended to read as follows:

Amendment.

Appointment
of Chief
of Patrol.

Section 3. The Governor shall appoint the Chief of the Washington State Patrol, determine his compensation, and may remove him at will. The Chief of the Washington State Patrol shall appoint a sufficient number of competent persons to act as Washington State Patrol officers, may remove them for cause, as provided in chapter 205, Laws of 1943, and shall make promotional appointments, determine their compensation, and define their rank and duties, as herein provided.

Appointment
of officers.

Removal of
officers.

Amendment.

SEC. 2. Chapter 25, Laws of 1933 is amended by adding thereto, after section 3, a new section to be known as section 3-A reading as follows:

Examinations
for promo-
tion of
officers.

Section 3-A. Appropriate examinations shall be conducted for the promotion of commissioned patrol officers. Such examinations shall be prepared and conducted under the supervision of the Chief of the Washington State Patrol, who shall cause at least thirty days written notice of same to be given to all patrol officers eligible for such examinations as hereinafter provided. Such examinations shall be given whenever twenty or more patrol officers are eligible to participate in same, or once every three years, or whenever the eligible list becomes exhausted as the case may be. The Chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct such examinations, and thereafter grade and evaluate same in accordance with the following provisions, or factors: (a) service rating 40%; (b) written examination 30%; (c) oral examination and interview 20%; (d) personnel record 10%.

Notice of
examination.

Time of ex-
aminations.

Preparation
and super-
vision.

Grading and
evaluation.

Amendment.

SEC. 3. Chapter 25, Laws of 1933 is amended by adding thereto, after section 3, a new section to be known as section 3-B, reading as follows:

Section 3-B. The names of all officers who shall have passed examinations satisfactorily shall be

placed on an eligible list in the order of the grade attained in such examinations. The Chief in his discretion, or the aforementioned committee at his request, may determine the lowest examination grade which will qualify an officer for inclusion of his name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade they earned. After an eligible list is made up all promotions shall be made from the three top names on the applicable list, and each officer shall be informed in writing as his name is included in the top three on an eligible list. No officer whose name appears within the top three on any eligible list shall be passed over for promotion more than three times. After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the Chief of the Washington State Patrol.

Eligible list.

Notice of grades.

Promotions.

Medical examination.

SEC. 4. Chapter 25, Laws of 1933, is amended by adding thereto, after section 3, a new section to be known as section 3-C reading as follows:

Amendment.

Section 3-C. Eligibility for examination or promotion shall be determined as follows: Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant; patrol officers with one year of probationary experience in the rank of lieutenant, in addition to two years as a regular lieutenant, shall be eligible for examination for the rank of captain. All newly ap-

Eligibility for examination or promotion.

Probationary period.

pointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the Chief prior to the expiration of the probationary period. During his one year probationary period any newly appointed officer can be removed, or any officer promoted through examinations may be demoted to his previous rank by the Chief of the Washington State Patrol without charges being preferred and without benefit of a hearing, as might otherwise be required under provisions of chapter 205, Laws of 1943.

Removal and demotion of probationary officers.

Amendment.

SEC. 5. Chapter 25, Laws of 1933 is amended by adding a new section, after section 3, to be known as section 3-D, reading as follows:

Appointment of technical and staff officers.

Section 3-D. The Chief of the Washington State Patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the state patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such. Staff or technical officers may be returned to their line rank or position whenever the Chief of the Washington State Patrol so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion as herein provided whenever the said examinations may be held. If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: *Provided, however, Noth-*

ing contained in this act shall be construed as giving the Chief of the Washington State Patrol the right to demote or to reduce the rank of any officer of the Washington State Patrol who is holding such office at the time this act becomes effective. Proviso.

SEC. 6. Chapter 25, Laws of 1933, is amended by adding a new section, after section 3, to be known as section 3-E, reading as follows: Amendment.

Section 3-E. The minimum monthly salary that shall be paid to state patrol officers shall be as follows: Officers, three hundred dollars (\$300); staff or technical sergeants, three hundred twenty-five dollars (\$325); line sergeants, three hundred fifty dollars (\$350); lieutenants, three hundred seventy-five dollars (\$375); and captains, four hundred twenty-five dollars (\$425). Minimum salaries for officers.

SEC. 7. This act is necessary for the immediate preservation of the public peace and safety, and the support of the state government and its existing public institutions, and shall take effect April 1, 1949. Emergency.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 193.

[S. B. 247.]

HORTICULTURE.

AN ACT relating to horticulture; and amending section 13, chapter 141, Laws of 1921, as amended; establishing a program of tent caterpillar eradication; making an appropriation and declaring an emergency.

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

SECTION 1. Section 13, chapter 141, Laws of 1921, as last amended by section 1, chapter 63, Laws of Amendment.

1947 (sec. 2872, Rem. Supp. 1947), is amended to read as follows:

Director of Agriculture, Assistant Director, and Inspector-at-Large to provide inspectors.

Section 13. The Director of Agriculture, Assistant Director, and Inspector-at-Large are authorized and empowered to appoint Horticultural Inspectors upon application of a financially interested party for certificate inspection service or other inspection on certain specified fruits, vegetables, nursery stock, or other horticultural products, and such Horticultural Inspectors are authorized and empowered to inspect, or inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruit, vegetables, nursery stock, or other horticultural products specified in the application and the cars in which they are loaded. Such inspection and investigation shall be made under such rules and regulations as the Director of Agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the Director as will, as near as may be, cover the cost for the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expenses of the horticultural inspection. Such inspectors-at-large shall be bonded in an amount set by the Administrative Board running to the State of Washington with a surety approved by the Director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspectors-at-large shall render on or before the tenth day of each month, a detailed account to the Director of Agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-at-large shall render a complete account of the past year's business to the Board of County Commissioners of each county in which such inspection has been made or certificates have been issued in their district, and should there

Director to prescribe rules and regulations for investigations.

Collection of fees.

Inspectors to be bonded.

Inspectors to render accounts.

be in excess of the amounts set forth in the following schedule remaining on hand in any horticultural inspection district after all expenses of such inspection or certificate of inspection service have been met, to date, in that district, such amount shall be returned to the contributors to the fund in proportion to the amount of payment made into the fund by each contributor: Districts 1, 2, 3, 6 and 7, each ten thousand dollars; District 8, fifteen thousand dollars; Districts 9 and 10, each, twenty thousand dollars; District 11 twenty-five thousand dollars; and Districts 4 and 5, each, forty thousand dollars. In case the applicant for such inspection or certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the Prosecuting Attorney of the county in which the inspection was made to bring action for debt in the name of the Inspector-at-Large in charge of the inspection on his request. Such certificate so issued shall be received in all the Courts of the State of Washington as *prima facie* evidence of the truth of the statement therein contained.

Refunds.

Prosecuting attorney to collect delinquent fees.

(a) The Director of Agriculture shall designate one horticulturist from the Department of Agriculture, the President of the University of Washington shall designate one horticulturist from the University of Washington, the President of Washington State College shall designate one horticulturist from Washington State College, and Cecil Solly, or some other recognized journalist specializing in horticultural research and related subjects, who shall together constitute a board of experts to formulate a program of tent caterpillar (*malacosoma pluvialis*) eradication, and the research of the board created shall be conducted at the Agricultural Experiment Station established at Puyallup, Washington.

Board to formulate program for eradication of tent caterpillars.

The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is appropriated

Appropriation.

Compensation of board of experts.

from the General Fund to the Department of Agriculture for carrying out the provisions of this subsection, and the Director of Agriculture is authorized to fix the compensation, if he determines any shall be paid, of the board of experts created, which shall be in addition and supplemental to any other compensation received from the State of Washington, and to pay members' expenses as the expenses of other state employees are paid.

Emergency.

SEC. 2. 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 Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 194

[S. B. 257.]

COUNTY AIRPORT DISTRICTS.

AN ACT relating to aeronautics and establishment of airports; and amending section 12, chapter 182, Laws of 1945.

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

Amendment.

SECTION 1. Section 12, chapter 182, Laws of 1945 (sec. 2722-41, Rem. Supp. 1945), is amended to read as follows:

Establishment of county airports authorized.

Section 12. The establishment of County Airport Districts is hereby authorized. Written application for the formation of such a district signed by at least one hundred (100) registered voters, who reside and own real estate in the proposed districts, shall be filed with the Board of County Commissioners. The Board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, resi-

Application filed with Board of County Commissioners.

dence and registration of the the signers with the records of his office and shall, as soon as possible, certify to said Board the number of qualified signers. If the requisite number of signers is so certified, the Board shall thereupon place the proposition: "Shall a County Airport District be established in the following area: (describing the proposed district)?," upon the ballot for vote of the people of the proposed district at the next election, general or special. If a majority of the voters on such proposition shall vote in favor of the proposition, the Board, shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

Election.

The area of such district may be the area of the county including incorporated cities and towns, or such portion or portions thereof as the Board may determine to be the most feasible for establishing an airport. When established, an Airport District shall be a municipality as defined in this act and entitled to all the powers conferred by this act and exercised by municipal corporations in this state. The Airport District is hereby empowered to levy not more than three (3) mills against the assessed valuation of the property lying within the said Airport District: *Provided, however,* Such levy shall not be made unless first approved at any election called for the purpose of voting on such levy.

Area of district.

District shall be a municipality.

Levy.

Passed the Senate March 8, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 195.

[S. B. 325.]

EMPLOYMENT OF MINORS.

AN ACT relating to the authority of the Industrial Welfare Commission and providing for the issuance of permits for the employment of minors; amending section 14, chapter 174, Laws of 1913.

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

SECTION 1. Section 14, chapter 174, Laws of 1913, is amended to read as follows:

Commission may investigate employment of minors.

Work permits for employment of minors.

Minimum wages for minors.

Exceptions.

Section 14. The Commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the state and may determine wages and conditions of labor suitable for such minors and issue work permits for the employment of minors. When the Commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the Commission for said minors in its order: *Provided*, That the provisions of this act shall not apply to (a) agricultural labor as defined in section 16, chapter 35, Laws of 1945, as last amended by section 3, chapter 215, Laws of 1947, (b) domestic work performed in private homes, (c) chores in or about private residences and (d) newspaper vendors and newspaper carriers.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 196.

[S. B. 352.]

MOTOR VEHICLES.

AN ACT relating to vehicles and the taxation thereon; the operation thereof upon the public highways; providing for vehicle equipment; providing for certain records and reports; defining offenses and fixing penalties; and amending sections 76, 99, 116, 119, 142 and 145, chapter 189, Laws of 1937, section 1, chapter 35, Laws of 1939 and sections 8 and 13, chapter 200, Laws of 1947; and amending section 6A, chapter 144, Laws of 1943, as added thereto by section 2, chapter 152, Laws of 1945, as last amended by section 1, chapter 244, Laws of 1947, amending section 11, chapter 144, Laws of 1943, as amended by chapter 152, Laws of 1945, and making an appropriation.

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

SECTION 1. Section 76, chapter 189, Laws of 1937 Amendment.
(6360-76, Rem. Rev. Stat.), is amended to read as follows:

Section 76. Whenever any person operating any vehicle upon any public highway of this state shall meet or approach a vehicle traveling in the opposite direction, such person shall reasonably turn and drive such vehicle as far to the right of the center of such highway as is practicable. Whenever any person operating any vehicle upon any public highway of this state during hours of darkness shall approach a vehicle traveling in the opposite direction within a distance of five hundred (500) feet, such operator shall cause the high intensity beam of the headlamps upon the vehicle he is operating to be depressed to the lower elevation as provided by law, or in the event that such vehicle is not required under the provisions of this act to be provided with a lower elevation of light, then, under the circumstances herein set out, the high intensity beam of the headlamps upon such vehicle shall be dimmed in lieu of being depressed to a lower elevation.

Approaching vehicles.

Use of lights at night.

Approaching
vehicle going
in same
direction
at night.

Whenever any person operating any vehicle upon any public highway of this state during hours of darkness shall overtake or approach, on a straight section of roadway, a vehicle traveling in the same direction within a distance of three hundred (300) feet, such operator shall cause the high intensity beam of the headlamps upon the vehicle he is operating to be depressed to the lower elevation as provided by law, or in the event that such vehicle is not required under the provisions of this act to be provided with a lower elevation of light, then, under the circumstances herein set out, the high intensity beam of the headlamps upon such vehicle shall be dimmed in lieu of being depressed to a lower elevation.

The driver of the overtaking vehicle shall maintain the headlamps of the vehicle he is operating depressed to the lower elevation, or dimmed, until he maneuvers his vehicle to pass the preceding vehicle, or until such a time as the distance between the vehicle he is operating and the preceding vehicle traveling in the same direction exceeds three hundred (300) feet on a straight section of road.

Amendment.

SEC. 2. Section 99, chapter 189, Laws of 1937 (6360-99, Rem Rev. Stat.), is amended to read as follows:

Pedestrians'
right of way.

Section 99. Pedestrians shall be subject to traffic control signals at intersections and the directions of officers discharging the duty of directing traffic at intersections. Where traffic control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield, to any pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety

Crosswalks.

and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated hereinafter.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Cars approaching crosswalks.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Pedestrians crossing road at other than crosswalks.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

Pedestrian tunnels and overhead crossings.

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

Between adjacent traffic signals.

SEC. 3. Section 116, chapter 189, Laws of 1937 (6360-116, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 116. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the driving mechanism of the vehicle. No passenger in a vehicle shall ride in such position as to interfere with the operator's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Persons obstructing operator's view and control of car.

SEC. 4. Section 119, chapter 189, Laws of 1937 (6360-119, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Unlawful to drive or have control of vehicle when intoxicated or drugged.

Section 119. It shall be unlawful and punishable as herein provided for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways of this state.

Presumptions arising in criminal prosecution from alcohol in blood stream of defendant.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

Less than 0.05 per cent.

If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

Between 0.05 and 0.15 per cent.

If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

0.15 per cent or more.

If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

Other competent evidence may be introduced.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be ad-

Person not required to take blood test.

missible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

Refusal not admissible as evidence.

It shall be unlawful and punishable as herein provided for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle upon the public highways of this state. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge violating this section.

Unlawful to drive when under influence of drugs.

Authority to use drugs is no defense.

Upon the first conviction for the violation of the provisions of this section the Court shall impose a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) or not less than ten (10) days or more than one (1) year in jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person. Upon second or subsequent conviction for a violation of the provisions of this section the Court shall impose a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) and not less than thirty (30) days or more than one (1) year in the county jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person.

Penalties for violations.

First conviction.

Subsequent convictions.

SEC. 5. Section 1, chapter 35, Laws of 1939 (6360-108, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

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

Section 108. Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent

Parallel parking.

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 between 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.

Proviso.

Director may prohibit or restrict parking on state highways through cities or towns.

The Director of Highways with respect to all public highways under his jurisdiction and any city or town streets designated as forming a part of the route of a state highway through any city or town may by order place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any such highway or street where in his opinion the findings of a traffic engineering investigation indicate such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the safe and free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Signs.

Parking to the exclusion of others prohibited.

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.

SEC. 6. Section 8, chapter 200, Laws of 1947 (6360-64, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section 8. Section 64 of chapter 189, of the Laws of 1937 (Rem. Rev. Stat. Supp. 6360-64; PPC 292-1), is hereby amended to read as follows:

Section 64. (1) Every person operating or driving a vehicle of any character upon the public highways of this state shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such public highways; Lawful speed, care and prudent driving.

(2) Subject to the provisions of subsection (1) of this section and except in those instances where a lower maximum lawful speed is provided by this act or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following: Maximum speed.

(a) Twenty-five (25) miles per hour within the limits of incorporated cities and towns; In cities and towns.

(b) Twenty-five (25) miles per hour in traversing any intersection of public highways within incorporated cities and towns except whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that such speed as permitted under this act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to the approval of the Director of Highways in cases where the alteration of speed limits on state highways or Intersections in cities and towns.
Local authorities may reduce speed.

extensions thereof in a municipality are involved, shall determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined: *Provided*, Appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

Signs.

Arterial highway in cities and towns.

(c) Twenty-five (25) miles per hour in traveling upon an arterial highway in any incorporated city or town and traversing an intersection with another public highway not an arterial highway, and the operator of another vehicle about to enter the intersection of such arterial highway thereat, shall have brought his vehicle to a complete stop as required by law before entering such arterial highway.

Business district in cities and towns.

(d) Twenty-five (25) miles per hour while traveling upon any public highway of any incorporated city or town and proceeding through any business district unless a lesser speed has been established and properly posted by local authorities: *Provided*, That where a lesser speed has been established such speed shall not be less than fifteen (15) miles per hour;

Minimum speed.

Intersection of public highways outside cities and towns.

(e) Thirty-five (35) miles per hour in traversing any intersection of public highways outside of incorporated cities and towns where the operators view is obstructed to the extent that at any time during the last 100 feet of his approach to an intersection he does not have a clear and uninterrupted view of such intersection, and of all public highways entering such intersection for a distance of 100 feet along the center line of each thereof: *Provided*, It shall be the duty of local authorities to sign post such intersections: *Provided further*, This provision shall not apply to operators upon arterial highways outside of incorporated cities and towns;

Signs.

Does not apply to arterial highways.

Arterial highway intersections outside cities and towns.

(f) Thirty-five (35) miles per hour in traveling upon an arterial highway outside of incorporated cities and towns and traversing an intersection with

another public highway not an arterial highway and the operator of another vehicle about to enter such arterial highway thereat shall have brought his vehicle to a complete stop, as required by law, before entering such arterial highway;

(g) The Director of Highways, in case of state highways, and the County Commissioners, in case of county roads, shall establish maximum speeds through any business or residential districts outside any incorporated city or town: *Provided*, No maximum speed established shall be less than twenty-five (25) miles per hour: *Provided further*, All such speed zones shall be properly sign posted at the extremities thereof;

Business and residential districts outside cities and towns.

Signs.

(h) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state inside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 A. M. and 5:00 P. M., or when crossing any marked school crossing during such hours or while within any marked school zone, such zone to extend three hundred (300) feet in either direction from any marked school crossing;

Highways passing schoolhouse inside cities and towns.

School crossings.

(i) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state outside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 A. M. and 5:00 P. M., or when crossing any marked school crossing during such hours or while within any marked school zone, such zone to extend three hundred (300) feet in either direction from any marked school crossing;

Schools outside cities and towns.

School crossings.

(j) Fifty (50) miles per hour under all other circumstances.

Maximum speed in all other instances.

Compliance with such speeds under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of

Due caution and care.

due care and caution as further circumstances shall require.

Unlawful speed is prima facie evidence of reckless driving.

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this section at the point of operation and under the circumstances described shall be *prima facie* evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

Charges to specify approximate speed.

All charges for the violation of any of the provisions of this section, every notice to appear, and every complaint charging the violation of this section shall specify approximately the speed at which the defendant is alleged to have operated such vehicle, the maximum lawful speed at the point of operation, and the reasonable and proper rate of speed applicable under the conditions existing at the point of operation.

Amendment.

SEC. 7. Section 13, chapter 200, Laws of 1947 (6360-98, Rem. Supp. 1947), is amended to read as follows:

Section 13. Section 98 of chapter 189 of the Laws of 1937 (Rem. Rev. Stat. Supp. 6360-98; PPC 295-47), is hereby amended to read as follows:

Traffic lights.

Section 98. Whenever, at any point, traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights, the following words or colors only shall be used and shall indicate as follows:

"Green" or "Go."

Green or the word "Go": Vehicular traffic facing the signal except when prohibited by a superior regulation, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or

unmarked cross walk unless directed otherwise by a pedestrian signal.

Yellow alone or the word "Caution" when shown following green or "Go" signal: Vehicular traffic facing the signal is thereby warned that the red or Stop signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or Stop signal is exhibited. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

Yellow or
"Caution"
when
following a
"Go" signal.

Red alone or the word "Stop": Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until a green signal is shown. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic or unless a separate Walk indication is shown.

Red or
"Stop".

Red or the word "Stop" with green arrow: Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection. No pedestrian facing such signal shall enter the roadway unless he can safely and without interfering with any vehicular traffic, or unless a separate Walk indication is shown.

Red or
"Stop" with
green arrow.

Yellow alone or with the word "Caution" or yellow intermittent flashing light with or without the word "Caution" under which control vehicles approaching shall be driven through such controlled area with extra caution.

Yellow or
"Caution".

Flashing Red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall

Flashing
red.

stop before entering the nearest cross walk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a Stop sign.

Flashing yellow.

Flashing Yellow: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution and at a speed not to exceed thirty-five (35) miles per hour.

Erection of signals upon state highways.

No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the Director of Highways.

Faces for lights.

All new traffic control signals and all replacements of existing traffic control signals directing traffic to alternately stop and go shall have three (3) signal faces facing each street, road or highway leading into the intersection with the red "Stop" signal located at the top of such signal, the amber "Caution" signal located in the center of such signal and the green "Go" signal located at the bottom of such signal.

Pedestrian-control signals.

SEC. 8. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" are in place, such signals shall indicate as follows:

"Walk."

(a) Walk—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

"Wait."

(b) Wait—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

SEC. 9. No person shall start a vehicle which is stopped, standing, or parked unless and until such

movement can be made with reasonable safety: *Provided*, No person shall start a vehicle, which is stopped, standing or parked at the curb or on the shoulder of a public highway without first giving an appropriate signal showing his intention to drive the vehicle onto the traveled portion of the public highway.

Starting of vehicles which are stopping, standing or parked.

SEC. 10. A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, or carry any other person, nor shall any other person ride upon such motorcycle, other than upon such permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

Motorcycle riders shall ride on attached seats.

SEC. 11. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

Television sets in vehicles unlawful when in view of driver.

SEC. 12. Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the righthand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection established by public authority.

Driving on highway having two separated roadways.

SEC. 13. The Director of Highways may by order and local authorities may by ordinance with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized

Limitations on use of limited access highways.

Signs erected to show restrictions.

traffic: *Provided*, The Director of Highways or the local authority adopting any such prohibitory regulations shall erect and maintain official signs on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

One-way traffic.

SEC. 14. The Director of Highways is authorized to designate any public highway or portion thereof or any separate roadway under his jurisdiction and local authority may designate any city or town streets for one-way traffic and shall erect appropriate signs giving notice thereof: *Provided*, That upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated and a vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Signs.

Amendment.

SEC. 15. Section 142, chapter 189, Laws of 1937 (6360-142, Rem. Rev. Stat.), is amended to read as follows:

Courts to keep record of charges for violations and disposition thereof.

Section 142. It shall be the duty of every Justice of the Peace, Police Judge and Judge of Superior Courts to keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented said Justice of the Peace, Police Judge, Judge of a Superior Court or a traffic violations bureau, and shall keep a record of every official action by said Court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to Justice of the Peace, Police Judge, Judge of a Superior Court or a traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating

any provisions of this act or other law regulating the operating of vehicles on highways every said magistrate of the Court or Clerk of the Court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Director of Licenses at Olympia an abstract of the record of said Court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Abstract of record of conviction or bail forfeiture to Director of Licenses.

Illegal parking need not be reported.

Said abstract must be made upon a form furnished by the Director of Licenses and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Contents of abstract of record.

Every court of record shall also forward a like report to the Director of Licenses upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

Abstract of record for conviction of manslaughter or other felonies.

The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

Failure to comply is misconduct in office.

The Director of Licenses shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours. Venue in all Justice Courts shall be before one of the two nearest Justices of the Peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of Class A and of the first class such cases may be tried in the county seat at the request of the defendant.

Abstracts open to public inspection.

Venue in Justice Courts.

Venue in Class A and first class counties.

Amendment.

SEC. 16. Section 145, chapter 189, Laws of 1937 (6360-145, Rem. Rev. Stat.), is amended to read as follows:

Traffic citations shall have notice to appear and shall be issued in books.

Section 145. Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

Issuance of books.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Original or copy of citation shall go to court.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Disposition of citation by Court.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said Court or other official action by a Judge of said Court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

Penalty for violations of this section.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Copy of citation to chief administrative officer.

Spoiled copies of citations.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the Court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Record of disposition of citation by Court.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Penalty for violations by unlawful cancellation of citations.

Every record of traffic citations required in this article shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible.

Auditing of record of citation.

SEC. 17. Section 6A, chapter 144, Laws of 1943, as added thereto by section 2, chapter 152, Laws of 1945, as last amended by section 1, chapter 244, Laws of 1947, is amended to read as follows:

Amendment.

Section 6A. Whenever any person shall apply to the State Department of Public Service for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of chapter 184, Laws of 1935, as amended, and it appears to the Department that the vehicle will be operated in the state less than fifty per cent (50%) of the total mileage it will be operated in such year, said person shall pay to said Department, together with the fee for such permit or plates, a partial payment of fifty per cent (50%) of the full

Fees for permit to operate vehicle in interstate commerce.

excise fee payable for that year on said vehicle under the provisions of this act, except in the following cases: (1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person shall furnish to said Department a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

Proof of prior payment of excise fee.

(2) If the application be for a vehicle, licensed in another state, for a permit or plates which will simply permit an occasional irregular trip or trips from another state into this state.

Vehicles licensed in another state.

In either of the two above enumerated cases the Department, in accounting to the State Treasurer, shall note the reason for non-collection of the excise.

Reason for non-collection to be noted.

In any case where a person shall have paid the excise fee for any vehicle for any year to the Department and shall later apply to a County Auditor for a motor vehicle license for such year, such County Auditor shall issue such license without collecting the excise fee but only after verifying the said payment from the excise fee receipt, or from a signed statement, issued by the Department, and in accounting to the State Treasurer for such non-collection the Auditor shall note the number of such receipt or the number of the identification plates issued by the Department.

Where application is made to County Auditor.

The Department shall account for and pay over to the State Treasurer, at the latest within thirty (30) days after it has received payment, the excise fees it has collected under this act, and the State Treasurer shall credit the same to the Motor Vehicle Excise Fund.

Credit to Motor Vehicle Excise Fund.

It is the intent of this act that not more than one excise fee imposed under section 2 thereof shall be collected for any vehicle for any year.

One excise fee.

For the purposes of this section, the several provisions of this act applying to the County Auditor shall apply to the State Department of Public Service and those applying to the County Assessor shall apply to the State Tax Commission.

Act appli-
cable to
Department
of Public
Service and
State Tax
Commission.

SEC. 18. Section 11, chapter 144, Laws of 1943, as last amended by section 3, chapter 152, Laws of 1945, is amended to read as follows:

Amendment.

Section 11. Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this act, and the State Director of Licenses shall determine that said person is entitled to a refund of the entire amount of said license fee as provided by law, then said person shall also be entitled to a refund of the entire excise tax collected under the provisions of this act. In case the Director of Licenses shall determine that any person is entitled to a refund of only a part of the license fee so paid, such person shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the State Treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the Tax Commission and the Association of County Assessors. In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the Tax Commission shall determine in the manner generally provided in this act the amount of such excess, if any, that has been paid and shall certify to the State Treasurer that such person is entitled to a refund in said amount. No refund of excise tax shall be allowed under the first or second sentences of this section unless application for a refund of license fee is filed with the Director of Licenses within the period provided by law, and no such

Refunds of
motor
vehicle
license fees.

refund shall be allowed under the third sentence of this section unless filed with the Tax Commission within ninety (90) days after such claimed excessive excise tax was paid.

Operation
partially
outside state.

Any person authorized by the State Department of Public Service to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: *Provided*, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: *Provided further*, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty per cent (50%) of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage said vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund must be filed with the Tax Commission at Olympia not later than within the first three (3) months of the calendar year following the year for which refund is claimed and the applicant must therewith furnish to the Commission his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of

Time of
filing claim.

the state, and the total of all mileage so operated: *Provided*, A claim for refund may be filed after the three (3)-month period has expired, but in such case a penalty of ten per cent (10%) of any refund otherwise allowable shall be charged and withheld for each month or portion thereof subsequent to the three (3)-month period.

If the Commission shall approve such claim it shall notify the State Treasurer to that effect, and the said Treasurer is hereby authorized and directed to make such approved refunds and the other refunds herein provided for from the Motor Vehicle Excise Fund and shall mail or deliver the same to the person entitled thereto.

Approval of
claims.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Penalty for
false state-
ment.

SEC. 19. There is hereby appropriated from the General Fund of the state treasury to the Transportation Revolving Fund the sum of five thousand seven hundred eighty-nine dollars and fifteen cents (\$5,789.15), to reimburse the Department of Transportation for costs of salaries and expenses incurred in collecting motor vehicle excise taxes for the period prior to January 1, 1949.

Appropriation to
Transportation
Revolving Fund.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 197.

[S. B. 31.]

HOSPITAL SURVEY AND CONSTRUCTION ACT.

AN ACT relating to hospitals and hospital districts; providing for a survey of hospitals; providing for compliance with certain Federal Hospital Assistance Acts; authorizing state aid in the development of hospital facilities; prescribing the duties of certain officers; creating certain funds; authorizing hospital districts to levy certain excess millage; amending section 6, chapter 284, Laws of 1945; repealing chapter 212, Laws of 1945, and declaring an emergency.

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

Title of act.	SECTION 1. This act may be cited as the "Washington Hospital Survey and Construction Act."
Definitions	SEC. 2. As used in this act: (a) "Director" means the Director of the State Department of Health;
"Director."	
"Federal Act."	(b) "The Federal Act" means Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act;
"Surgeon General."	(c) "The Surgeon General" means the Surgeon General of the Public Health Service of the United States;
"Hospital."	(d) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;
"Public Health Center."	(e) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;
"Nonprofit hospital."	(f) "Nonprofit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

SEC. 3. There is hereby established in the State Department of Health a "Section of Hospital Survey and Construction" which shall be administered by a full-time salaried head under the supervision and direction of the Director. The State Department of Health, through such section, shall constitute the sole agency of the state for the purpose of:

Section of Hospital Survey and Construction created.

Duties.

(1) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction; and

Inventory and survey.

(2) Developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in this act.

State plan for construction of hospitals.

SEC. 4. In carrying out the purposes of the act the Director is authorized and directed: (a) To require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary;

Duties of Director.

Reports, investigations, and regulations.

(b) To provide such methods of administration, appoint a head and other personnel of the section and take such other action as may be necessary to comply with the requirements of the Federal Act and the regulations thereunder;

Administration and appointment of personnel.

(c) To procure in his discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

Employment of experts, consultants and organizations.

(d) To the extent that he considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

Utilization of other departments, agencies, and institutions.

(e) To accept on behalf of the state and to deposit with the State Treasurer, any grant, gift or contribution made to assist in meeting the cost of

Grants, gifts, and contributions.

carrying out the purposes of this act, and to expend the same for such purpose; and

Annual
report
to the
Governor.

(f) To make an annual report to the Governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the Director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

Advisory
Hospital
Council.

SEC. 5. The Director shall appoint an Advisory Hospital Council to advise and consult with the Department of Health in carrying out the administration of this act. The council shall consist of the Director who shall serve as chairman ex officio and shall include representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas. Each member shall hold office for a term of four (4) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Council members, while serving on business of the council shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the Director deems necessary but not less than once each year. Upon request by five (5) or more members, it shall be the duty of the Director to call a meeting of the council.

Members.

Term of
office.

Vacancies.

Compensation
of
members.

Meetings.

Inventory of
hospitals.

Survey.

SEC. 6. The Director is authorized and directed to make an inventory of existing hospitals, including public nonprofit and proprietary hospitals, to survey the need for construction of hospitals, and, on the

basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state.

Program for construction of hospitals.

SEC. 7. The construction program shall provide, in accordance with regulations prescribed under the Federal Act, for adequate hospital facilities for the people residing in this state and insofar as possible shall provide for their distribution throughout the state in such manner as to make all types of hospital service reasonably accessible to all persons in the state.

Contents of construction program.

SEC. 8. The Director is authorized to make application to the Surgeon General for Federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be deposited with the State Treasurer and shall be available to the Director for expenditure in carrying out the purposes of this part. Any such funds received and not expended for such purposes shall be repaid to the Treasurer of the United States.

Federal funds.

SEC. 9. The Director shall prepare and submit to the Surgeon General a state plan which shall include the hospital construction program developed under this act and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the Federal Act and the regulations thereunder. The Director shall, prior to the submission of such plan to the Surgeon General, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After

State plan submitted to Surgeon General.

Contents of plan.

Publicity for proposed plan.

Public hearing.

Publication of plan after approval by Surgeon General.

approval of the plan by the Surgeon General, the Director shall publish a general description of the provisions thereof in at least one newspaper having general circulation in the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The Director shall from time to time review the hospital construction program and submit to the Surgeon General any modifications thereof which he may find necessary and may submit to the Surgeon General such modifications of the state plan, not inconsistent with the requirements of the Federal Act, as he may deem advisable.

Copy available to interested persons.

Modification of plan.

Minimum standards for maintenance and operation of hospitals.

SEC. 10. The Director shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive Federal aid for construction under the state plan.

Relative need for projects.

SEC. 11. The state plan shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed pursuant to the Federal Act, and provide for the construction, insofar as financial resources available therefor and for maintenance and operations make possible, in the order of such relative need.

Applications for hospital construction projects.

SEC. 12. Applications for hospital construction projects for which Federal funds are requested shall be submitted to the Director and may be submitted by the state or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to Federal and state requirements.

Hearings on applications.

SEC. 13. The Director shall afford to every applicant for a construction project an opportunity for a fair hearing. If the Director, after affording reasonable opportunity for development and presentation

of applications in the order of relative need, finds that a project application complies with the requirements of section 12 of this act and is otherwise in conformity with the state plan, he shall approve such application and shall recommend and forward it to the Surgeon General.

Approval of application.

SEC. 14. From time to time the Director shall inspect each construction project approved by the Surgeon General, and, if the inspection so warrants, the Director shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of Federal funds is due to the applicant.

Director shall inspect construction projects.

SEC. 15. The Director is hereby authorized to receive Federal funds in behalf of, and transmit them to, such applicants. To achieve that end there is hereby established, separate and apart from all public moneys and funds of this state, a trust fund to be known as the "Hospital Construction Fund," of which the State Treasurer shall ex officio be custodian. Moneys received from the Federal government for construction projects approved by the Surgeon General shall be deposited to the credit of this fund, shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers covering all payments from the Hospital Construction Fund shall bear the signature of the Director or his duly authorized agent for such purpose, and warrants therefor shall be drawn by the State Auditor as ex officio auditor of said Fund.

Director to accept and transmit Federal funds to applicants.

"Hospital Construction Fund."

Federal funds deposited in Fund.

Vouchers for payments from Fund.

SEC. 16. If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be

Partial invalidity.

given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Repealing
clause.

SEC. 17. Chapter 212, Laws of 1945, and all acts or parts of acts which are inconsistent with the provisions of this act, are repealed.

Amendment.

SEC. 18. Section 6, chapter 264, Laws of 1945 (Rem. 1945 Supp. sec. 6090-35), is hereby amended to read as follows:

Powers of
Hospital
Districts.

Section 6. All Public Hospital Districts organized under the provisions of this act shall have power:

Surveys.

(a) To make a survey of existing hospital facilities within and without such district.

Acquisition
and disposal
of property.

(b) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the Commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the State of Washington in the acquisition of property rights:

Eminent
domain.

Proviso.

Provided, That no Public Hospital District shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization:

Proviso.

And provided, further, That no hospital district organized and existing in districts having more than

25,000 population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(c) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the Commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said Commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: *Provided*, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the District Commissioners.

Leasing of
existing
facilities.

(d) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance and operation of any such hospital.

Acquisition
of property.

(e) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the public hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding six per cent (6%) per annum, payable

Contracting
indebted-
ness.

Issuance of
bonds.

semi-annually, said bonds not to be sold for less than par and accrued interest.

Tax levy.

Amount of levy.

Special election for levy in excess of 3 mills.

Calling of special election.

Proposed budget.

Filing of budget.

Notice of filing.

Hearing on budget.

Adoption by resolution.

(f) To raise revenue by the levy of an annual tax on all taxable property within such Public Hospital District not to exceed three (3) mills or such further amount as has been or shall be authorized by a vote of the people: *Provided further*, That the Public Hospital Districts are hereby authorized to levy such a general tax in excess of said three (3) mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the constitution and laws of the State of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said Board of District Commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the Hospital District a proposition to levy a tax in excess of the three (3) mills herein specifically authorized. The Commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the Commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the Commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the Commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the Commission shall be certified to and collected by the proper county officer of the

county in which such Public Hospital District is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The Commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrant shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six per cent (6%) per annum.

Collection of tax.

Borrowing money or issuing warrants in anticipation of revenue.

Interest on warrants.

(g) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this act.

Contracts.

(h) To sue and be sued in any Court of competent jurisdiction: *Provided*, That said Public Hospital District shall not be liable for negligence for any act of any officer, agent or employee of said district: *And provided*, That all suits against the Public Hospital District shall be brought in the county in which the Public Hospital District is located.

May sue and be sued.

Negligence of personnel.

(i) To make contracts, employ superintendents, attorneys and other technical or professional assistance and all other employees; to print and publish information or literature and to do all other things necessary to carry out the provisions of this act.

Employment of personnel.

SEC. 19. 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.

Emergency.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 198.

[S. S. B. 87.]

CARE AND TREATMENT OF MENTALLY ILL.

AN ACT relating to state government; providing for the commitment, custody, detention, treatment, parole and discharge of mentally ill, inebriated and dipsomaniac persons, sexual psychopaths and psychopathic delinquent persons; prescribing the powers and duties of certain officers, and defining crimes and prescribing penalties.

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

Act to be liberally construed.

SECTION 1. The provisions of this act shall be liberally construed so that persons who are in need of care and treatment shall receive humane care and treatment and be restored to a normal mental condition as rapidly as possible with an avoidance of loss of civil rights where not necessary and with as little formality as possible still preserving all rights and privileges of the person as guaranteed by the constitution.

Purpose of act.

Penalty for violation.

SEC. 2. Any person who knowingly contrives to have any person committed to any state institution unlawfully or without good faith shall be guilty of a gross misdemeanor.

Immunity from penalty if committed in good faith.

SEC. 3. When any person, peace officer, physician attending the patient, or physician attached to a public hospital or institution in which the patient is held, or other public official in the course of his duties, makes or files an application for the commitment of any person under any provisions for commitment of persons to state institutions in good faith, neither the person making or filing such application, nor his superiors, nor the department, hospital or institution to which he is attached, nor any of the employees thereof, shall be rendered liable thereby either civilly or criminally.

SEC. 4. When any person becomes so mentally ill as to require immediate emergency apprehension, supervision, or restraint during the night time, a legal holiday, or at other such times as the Judge of the Superior Court is not available, the patient may be detained in the quarters provided in any regular licensed hospital, sanitarium, or other suitable place upon the application of any person under oath setting forth that said patient is mentally ill and is unsafe to be at large until such time as the application may be presented to the Court, not to exceed forty-eight hours, unless a legal holiday falls on a Saturday or Monday, and then not exceeding seventy-two hours.

Emergency cases.

SEC. 5. At the time of the service of the application, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows:

The application which accompanies this notice has been filed in the superior court in and for the county of....., alleging that is mentally ill and in need of supervision, treatment and care, has the right to appear before the court to make a reply to the allegation, to bring in witnesses, and to be represented by an attorney and that should he be dissatisfied with any order of commitment he may have recourse to a jury trial, that he may call in his private physician at his own expense who may file a report of his physical and mental examination in the cause. If or a relative or friend, counsel or representative desires to be heard by the court, he must, within three (3) days after his apprehension, file a request for a hearing with the clerk of the superior court of the county wherein the application is on file, and unless such a request is filed the judge may proceed to determine the case on the basis of the doctor's examination without the necessity of a hearing.

Notice.

SEC. 6. Any officer apprehending any person on an application of mental illness, shall, unless the person's guardian or responsible relative has taken possession of his personal property, take all necessary precautions with respect to the personal property in the actual possession of or in the premises

Personal property of patient.

Report thereof.

occupied by such mentally ill person to preserve and safeguard the same pending the determination of the proceedings. The officer shall then furnish to the Court a full and complete and itemized report of the patient's property so preserved and safeguarded and its disposition, in substantially the form set forth in this section. Thereupon the responsibility imposed herein upon the officer shall terminate. Pending the examination, such order may be made relative to the care, custody, confinement and the preservation and safeguarding of the property of the alleged mentally ill person as to the Judge seems for the best interest, welfare and health of the patient.

Disposition thereof.

REPORT OF OFFICER

I hereby report to the above entitled court that the personal property of the person apprehended herein consisting of was preserved and safeguarded by (insert name of officer, relative or guardian). The property is now located at

Dated....., 19..... signature of officer

Judge may determine mental status.

SEC. 7. If no demand is made for a hearing in behalf of the alleged mentally ill person within three (3) days of his apprehension as provided in this act, the Judge may proceed immediately to determine the mental status of the alleged mentally ill person. If the Judge is satisfied that the person is so mentally ill as to be in need of supervision, treatment, care and restraint, the Judge may immediately issue an order for the commitment of the person to an institution for the custody and treatment of persons who are mentally ill. No order for commitment shall issue unless two medical examiners have jointly made a physical and mental examination of the person alleged to be mentally ill and have filed with the Judge a report containing the facts and circumstances upon which the judgment of the examiners is based, and stating that the condition of the person

examined is such as to require care and treatment in an institution for the mentally ill. If no one has secured the services of two (2) medical examiners, the Court must designate two (2) such examiners. If it appears that the mentally ill person is harmless and his relatives or guardian are willing and able properly to care for him at some place other than a hospital or institution, upon their written consent, the Judge may order that the person be placed in the care and custody of his relatives or guardian. The Judge may require other proof in addition to the application and the report of the medical examiners. Such determination shall be made only from testimony under oath reported by a Court reporter and with findings of fact sufficient to support the determination made and filed by the Judge.

SEC. 8. If a request is made for a hearing on behalf of the alleged mentally ill person, the Judge shall, or he may upon his own motion, by order fix such time and place for the hearing and examination as will give reasonable opportunity for the production and examination of witnesses, as per chapter 72, Laws of 1947. Any person covered by the provisions of this act against whom an application for commitment has been filed shall be entitled to a trial by jury upon his or her demand or that of anyone in his or her behalf: *Provided*, That the provisions for jury trial shall not apply to alleged psychopathic delinquent minors. It shall be the duty of the Judge to inform the accused of his right to trial by jury and the appointment or selection of counsel therefor. If such demand be made the trial shall be by jury.

Request for hearing.

Right to jury trial except for minors.

SEC. 9. For the purpose of conducting hearings pursuant to commitment, the Court may be convened at any time and place within the county suitable to the mental and physical health of the person,

Where hearing may be held.

and such hearing shall be a regular open hearing as in any civil action, except that the time and place for the trial of civil actions if any party to the proceeding, prior to the hearing, objects to any different time or place, and provided that if the hearing is held at any place other than a regular court room of the Superior Court three (3) days' notice be given thereof to the patient and the petitioner, unless waived by the person or his representative, and appropriate minute order made thereof on the records of the Court.

Proviso.

Subpoenas.

SEC. 10. Subpoenas may be issued to compel the attendance of witnesses by the Superior Court Judge or in the same manner as in civil cases: *Provided*, That such subpoenas shall be effective within the boundaries of the county: *And provided further*, That the same shall be served by the Sheriff at the expense of the county. The Judge shall compel the attendance of at least two (2) medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged mentally ill person, and testify before the Court as to the result of the examination, and to any other pertinent facts within their knowledge. The Judge shall also cause to be examined before him as a witness any other person who he has reason to believe has any knowledge of the mental condition of the alleged mentally ill person or of his financial condition or that of the persons liable for his maintenance.

Two medical examiners required.

Fees of subpoenaed witnesses.

All witnesses attending a hearing upon subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in a like manner. An official Court Reporter shall be present who shall fully transcribe the proceedings.

SEC. 11. The alleged mentally ill person shall be present at any hearing, and if he has no attorney,

the Judge must appoint an attorney to represent him. Or, if a request is made for an attorney by the alleged mentally ill person or by anyone on his behalf, the Judge shall appoint an attorney to represent him, expenses to be paid by the county if the person is indigent.

Right to appear and counsel.
Indigent persons.

SEC. 12. The medical examiners, after making the examination and hearing testimony, shall fully make out and sign a certificate of physical and mental examination and recommendation on forms provided by the Department of Public Institutions.

Certificate of examination.

SEC. 13. All files in these cases shall be closed files subject to examination only by the person alleged therein to be mentally ill or his representative until such time as an order of mental illness and commitment is made, at which time those facts required for the Clerk's index as hereinafter set forth, shall become a public file. The County Clerk shall keep an index, alphabetically arranged, which shall show the name and age of each person examined and declared to be mentally ill, the date of the order of commitment or hospitalization and the name of the licensed hospital or sanitarium to which the person was ordered confined and cared for, or the name of the designated state hospital to which the person was committed. All medical reports and case histories shall be available as part of the record for the use of the hospital wherein the person is to be confined, but no such records shall be a part of the public records and their contents shall be deemed subject to the physician patient privilege.

Files closed to public until order of commitment.

Clerk's index a public file.

Records privileged.

SEC. 14. If no legal guardian has been appointed for such patient, all monies found on the person of the mentally ill person at the time of the apprehension shall be certified to by the Judge and sent with the mentally ill person to the hospital, there to be delivered to the Superintendent thereof.

Monies on person of mentally ill person.

Effect of act. **SEC. 15.** Nothing in this act shall be held to change or interfere with the provisions of law in this state relating to insane persons charged with crime or to the criminally insane.

Legal status during proceedings. **SEC. 16.** Any person complained against in any application or proceedings started by virtue of the provisions of this act shall not forfeit or suffer any legal disability by reason of the pendency of proceedings under the provisions of this act, or while a person is under the jurisdiction of the Court, until an order declaring the person to be mentally ill has been made.

Persons under 16 years not to be in adult ward. **SEC. 17.** No person under the age of sixteen (16) years shall be regularly confined in any ward in any state hospital, which ward is designed and operated to care for the adult mentally ill. No person between the ages of sixteen (16) and eighteen (18) shall be placed in any such ward when, in the opinion of the Superintendent, such placement would be detrimental to the mental condition of such a minor person or would impede his recovery and treatment.

Persons 16 years to 18 years of age.

Facilities and personnel for minors. **SEC. 18.** The Director of Public Institutions may designate one (1) or more wards at one (1) or more state hospitals as may be deemed necessary for the sole care and treatment of minor persons referred to in section 17. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

Voluntary patients. **SEC. 19.** Pursuant to rules and regulations established by the Department of Public Institutions, the Superintendent or person in charge of any state hospital shall receive and detain in such hospital as a patient any person who is, in the opinion of the Superintendent of such hospital, a suitable person

for care and treatment in such state hospital upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

Application
for admis-
sion.

(a) In the case of an adult person, the application shall be voluntarily made by the person, at a time when he is in such a condition of mind as to render him aware of the significance of his act.

By adults.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any such mental hospital as may be designated by the Director of Public Institutions under section 18 hereof to admit minors. Any such person received and detained in a state hospital shall be deemed a voluntary patient, and shall not suffer a loss of civil rights by reason of his application and admission. Upon the admission of a voluntary patient to a state hospital the Superintendent or person in charge shall immediately forward to the office of the Department of Public Institutions the record of such voluntary patient, showing the name, address, sex, place of birth, occupation, date of admission, and name of nearest relative and such other information as the Department may from time to time require.

By minors.

Records of
voluntary
patients.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than twelve (12) days after his having given notice in writing to the Superintendent or person in charge of such hospital of his desire to leave such hospital. No minor person received into a state hospital as a voluntary patient shall be detained therein for more than twelve (12) days after notice is given in writing to the Superintendent or other person in charge of the hospital by the parents, or the parent or guardian or other person entitled

Release of
voluntary
patients.

Adults.

Minors.

Voluntary minors may not be detained after majority.

Rules and regulations.

Section to be liberally construed.

Maximum period for voluntary patients.

Residence requirement.

Penalty for procuring escape of mental patients.

Detention of chronic alcoholics.

to the custody of the minor, of their desire to remove him from the hospital but if the Superintendent believes that further care, treatment, or restraint is required he shall, within the twelve (12) day period, start proceedings for commitment of said persons under the provisions of this act. Such person received into a state hospital as a voluntary patient during his minority shall not be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in these sections for application by adult persons. The Department shall establish such rules and regulations as are necessary to properly carry out the provisions of this section and it shall be the policy of the Department to permit liberal use of this section for those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the Superintendent, within a six (6) months' period. No person shall be carried as a voluntary patient for a period of more than one (1) year. No person shall be admitted as a voluntary patient who has not been a resident of the State of Washington for a period of two (2) years.

SEC. 20. Any person who procures the escape of any inmate of any mental hospital, school for mental defectives, or institutions for psychopaths to which a person is committed under any of the provisions of this act, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a misdemeanor.

SEC. 21. Whenever it appears by affidavit to the satisfaction of a Judge of the Superior Court that any person is so far addicted to the intemperate use of alcoholic beverages so as to become a chronic alcoholic, he shall issue and deliver to some peace

officer, for service, a warrant directing that the person be apprehended and taken before a Judge of the Superior Court for hearing and examination. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had.

SEC. 22. The form of the various applications and orders and the proceedings in the case of such a person shall be in substantially the same form as those set forth for the apprehension, detention, examination and adjudication of the mentally ill.

Form of applications and orders thereof.

SEC. 23. If the Judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of alcoholic beverages and is a chronic alcoholic, and if there be in the county or under state auspices some special facility, not a state hospital, provided for the care of such persons, he shall make an order that the person be confined in a licensed hospital or sanitarium, or in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural or other out-of-doors labor, he may make an order confining the person to such branch of the county jail.

Place of confinement for chronic alcoholics.

SEC. 24. If the Judge, after the hearing and examination, believes the person is addicted to the intemperate use of alcoholic beverages as to have lost the power of self-control and is a chronic alcoholic, but that the condition of the person is not such so as to require custodial care or treatment, the Judge may place such person on probation, subject to the supervision of the psychiatric probation officer, if there be one, or to the care of some other qualified person until further order of the Court.

May be placed on probation.

SEC. 25. As used in this act "sexual psychopaths" means any person who is affected in a form predisposing to the commission of sexual offenses, and in

"Sexual psychopaths" defined.

a degree constituting him a menace to the health or safety of others.

Affidavit that person charged with crime is a sexual psychopath.

Contents of affidavit.

Warrant.

Service of warrant and affidavit.

Hearings.

Findings.

Suspension of proceedings and commitment to a State Hospital.

SEC. 26. If, when any person is charged with crime either before or after adjudication of the charge, it appears by affidavit to the satisfaction of the Court that such person is a sexual psychopath within the meaning of this act, the Court may adjourn the proceedings or suspend the sentence, as the case may be, and thereupon proceed as provided by this act. The affidavit shall state fully the facts upon which the allegation is based. If the person is not then before the Court or in custody, the Court may order that the person be detained in a place of safety until the issue of and service of a warrant of apprehension. The Judge or Justice presiding in such Court shall issue and deliver to some peace officer, for service, a warrant directing that the person be apprehended and taken before a Judge of the Superior Court for a hearing and examination upon the allegation that the person is a sexual psychopath. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension, a copy of the affidavits and warrant shall be personally delivered to the person.

SEC. 27. If, upon the hearings of the allegation of sexual psychopathy, the person before the Court upon trial, or under conviction, is found not to be a sexual psychopath, the Court, may proceed with trial or impose sentence, as the case may be. If, upon the hearing on the allegation of sexual psychopathy, the person is found to be a sexual psychopath the Court may suspend proceedings, and commitment to a state hospital shall proceed according to the provisions for the commitment of the mentally ill.

SEC. 28. Whenever a person committed to a state hospital as a sexual psychopath recovers from his

sexual psychopathy to such an extent that, in the opinion of the Superintendent of the state hospital, he is no longer a menace to the health and safety of others, the Superintendent may certify said opinion to the committing Court. Unless within thirty days after the receipt of the certification the Court shall order the return of the person to await the further action of the Court with reference to the criminal charge against him, the Superintendent of the hospital in which the person is confined may parole the person, under such terms and conditions as shall be specified by the Superintendent, for a period of not less than five years. If at the end of the five year period the person has not shown any tendency to revert to his sexual psychopathy, he may be discharged as recovered. Whenever, in the opinion of the Superintendent, the sexual psychopath will not benefit by further care and treatment in the hospital, the Superintendent may return him to the Court for further disposition of the case.

Certification
of opinion
of recovery.

Parole for
not less
than five
years.

SEC. 29. The person alleged to be a sexual psychopath shall be taken before a Judge of the Superior Court, to whom the affidavit and warrant of apprehension shall be delivered to be filed with the Clerk. The Judge shall then inform him that he is alleged to be a sexual psychopath, and inform him of his rights to make a reply to the allegation and to produce witnesses in relation thereto. The Judge shall by order fix such time and place for hearing and examination in open Court as will give reasonable opportunity for the production and examination of witnesses. If, however, the person is too ill to appear in Court, or if appearance in Court would be detrimental to the mental or physical health of the person, the Judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the Court or shall be signed by the Judge and filed and a certified copy

Rights of
accused.

Order fixing
time and
place of
hearing.

Hearings
may be held
at bedside of
accused
person.

Service of order.

thereof served on the person. The Judge shall order that notice of apprehension of the person and of the hearing on the allegation of sexual psychopathy be served on such relatives of the person known to be residing in the county as the Judge deems necessary and proper.

Judge shall appoint psychiatrists to examine accused.

SEC. 30. The Judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be the holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years, and at least one of whom shall be from the medical staff of a state hospital or psychopathic ward of a County Hospital, to make a personal examination of the alleged sexual psychopath, directed toward ascertaining whether the person is a sexual psychopath.

Report of examination to be filed with Court.

SEC. 31. The psychiatrists so appointed shall file with the Court a written report of the result of their examination, together with their conclusions and recommendations. At the hearing they shall hear the testimony of all witnesses, and shall testify as to the result of their examination and to any other pertinent facts within their knowledge.

Testimony of results of examination.

Examination of psychiatrists as witnesses.

SEC. 32. Any psychiatrist so appointed by the Court may be called by either party or by the Court itself, and when so called shall be subject to all legal objections as to competency and bias and as to qualifications as an expert. When called by the Court, or by either party to the proceedings, the Court may examine the psychiatrists, as deemed necessary, but either party shall have the same right to object to the questions asked by the Court and the evidence adduced as though the psychiatrist were a witness for an adverse party. When the psychiatrist is called and examined by the Court the parties may

cross examine him in the order directed by the Court. When called by either party to the proceeding the adverse party may examine him the same as in the case of any other witness called by such party.

SEC. 33. The provisions of this act relating to psychiatrists appointed by the Court shall not be deemed or construed to prevent any party to a proceeding under this act from producing any other expert evidence as to mental condition of the alleged sexual psychopath.

Other expert evidence as to mental condition of accused.

SEC. 34. The Judge shall cause to be examined as a witness any other person who he believes to have knowledge of the mental condition of the alleged sexual psychopath. In any proceedings under sections 26 thru 39 of this act, subpoenas may be issued and the attendance of witnesses compelled within the boundaries of the county as in any criminal case.

Judge may call witnesses.

Subpoenas.

SEC. 35. All witnesses attending a hearing upon a subpoena issued by the Court shall be entitled to witness fees and expenses as in criminal cases, to be paid upon the same conditions and in the same manner.

Fees and expenses of witnesses.

SEC. 36. The alleged sexual psychopath shall be present at the hearing and, if he has no attorney, the Judge may appoint an attorney to represent him.

Right to appear and to attorney.

SEC. 37. If, after examination and hearing, the Judge believes the person is a sexual psychopath, he shall make and sign an order that the person be committed to Eastern State Hospital at Medical Lake for the care and treatment of the mentally ill.

Order of commitment to Eastern State Hospital.

SEC. 38. Persons found to be sexual psychopaths under this act shall have the same rights to jury trial for persons found to be mentally ill.

Right to jury trial.

SEC. 39. The Sheriff of any county wherein an order is made by any Court committing any person

Duties of sheriff.

under this act or returning the person to the Court, or any other person designated by the Court, shall execute the writ of commitment or order of return and shall deliver certified copies of the affidavit, warrant of apprehension, order for hearing and examination, report of the psychiatrists and order of commitment or return to the Superintendent of the State Hospital or the Clerk of the Court to which the person is to be returned, as the case may be.

"Psychopathic delinquent" defined.

SEC. 40. As used in this act, "psychopathic delinquent" means any minor who is psychopathic, and who is an habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, to a state school for the mentally deficient as a mentally deficient person, or to a state hospital as a mentally ill person. As used in this act "minor" means any person under twenty-one years of age.

Facilities for care of psychopathic delinquents.

SEC. 41. The Director of Public Institutions may when legally authorized to do so, provide on the grounds of an existing state institution or institutions or on any other property owned or acquired by the state for such purpose, one or more wards or institutional units, to be used for the custodial care and treatment of psychopathic delinquents which shall be administered in the manner provided by law for the government of institutions in which such ward or institutional unit is established.

Petition for commitment.

SEC. 42. A petition alleging that a person is a psychopathic delinquent and asking that the person be committed to a state institution for psychopathic delinquents may be filed in the county wherein such person resides by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the person alleged to be a psychopathic delinquent;

Persons who may petition.

(b) Any Prosecuting Attorney;

(c) The Department of Youth Protection, when and if provided;

(d) Any duly appointed representative of the school district in which the person, if a minor, resides;

(e) Any official of a public welfare agency;

(f) Any person designated for that purpose by the Court;

(g) The Superintendent of a state institution for mentally defective persons.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

Contents of petition.

SEC. 43. The Court shall fix the time and place for the hearing of the petition. The hearing, may, in the discretion of the Court, be held at any time and place which the Court deems proper, and which will give opportunity for the production and examination of witnesses.

Hearing of the petition.

SEC. 44. In all cases the Court shall require due notice of the hearing of the petition to be given to the alleged psychopathic delinquent. Whenever a petition is filed by anyone except the parent or guardian, the Court shall require such notice of the hearing of the petition as it deems proper to be given to any parent, guardian, or other person charged with the support of the alleged psychopathic delinquent.

Notice of hearing.

SEC. 45. Whenever the Court considers it necessary or advisable, it may cause a warrant to be issued for the apprehension and delivery to the Court of

Warrant.

the alleged psychopathic delinquent, and may have the warrant issued by any peace officer.

Custody of accused pending hearing.

SEC. 46. Pending the hearing, the alleged psychopathic delinquent may be left in the charge of his parent, guardian, or other suitable person, or may be placed in the psychopathic ward of a County Hospital, or County Detention Home.

Subpoena of psychiatrists or psychologists required.

SEC. 47. The Court shall inquire into the mental condition, record, character, and personality of the alleged psychopathic delinquent. For this purpose it shall by subpoena require the attendance before it of at least two persons who have made a special study of mental deficiency, psychopathic personality, or delinquency, each of whom shall be a clinical psychologist or psychiatrist, to examine the person and testify concerning his mentality, character and personality. The Court may also by subpoena require the attendance of such other persons as it deems advisable, to give evidence.

Commitment for observation or diagnosis.

SEC. 48. If the Court, after hearing the evidence, is of the opinion that, or in doubt whether, the person is a psychopathic delinquent, the Court may commit the person to a state institution for psychopathic delinquents for observation and diagnosis for a period not to exceed ninety days, with the further provision in said order that the Superintendent of such institution shall within the ninety day period report to the Court his diagnosis and recommendations concerning such minor. The Court shall attach to the order of ninety day commitment its findings and conclusions, together with all the social and other data it has bearing upon the case, and the same shall be delivered to the institution with such order. The Superintendent or other person in charge of the state institution in which the minor has been placed for observation shall within ninety days examine the person and forward to the com-

Report of diagnosis and recommendations.

mitting Court a report, diagnosis and recommendation concerning the minor's future care, supervision and treatment. If the Superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the Court that the minor is a psychopathic delinquent, and recommends that the minor be so committed, the Court shall proceed with the case and make such orders for the return of the minor to the Court and for the time, place and notice of the further hearing as the Court may deem necessary and proper under all the circumstances. Upon such further hearing, the Court may make an order committing the person to the Department of Public Institutions for placement in a state institution for psychopathic delinquents for an indeterminate period. No person shall be committed for an indeterminate period as a psychopathic delinquent unless an observation commitment has been diagnosed, reported, and recommended upon as provided in this section. If the Department has designated a particular state institution to receive designated minors committed for observation or for an indeterminate period as psychopathic delinquents, all commitments shall be made to the Department for placement in the institution so designated. On the presentation of either order designated herein, the Superintendent of the institution to which the minor is committed may receive him therein if there is room in the unit designated herein under section 42 and if the fund available for its support is not exhausted. Before any such person is conveyed to the institution it shall be ascertained from the Superintendent thereof that such person has been accepted as herein set forth.

Further hearing.

Commitment.

Particular institutions for minors designated.

SEC. 49. A psychopathic person committed pursuant to this act shall remain under commitment until discharged, and the attainment of the age of

Length of term of commitment.

twenty-one years by the psychopathic person shall not terminate his commitment.

Parole.

SEC. 50. Any person committed under the provisions of this act may be paroled by the Superintendent of the institution wherein the person is confined whenever thereafter the Superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole, and the Superintendent certifies such opinion to the committing Court. Unless within thirty days after the receipt of such certification the committing Court orders the return of the person to await the further action of the Court, the Superintendent may parole the person under such terms and conditions as may be specified by the Superintendent. Any such paroled inmate may, at any time during the parole period, be recalled to the institution. The period of parole shall in no case be less than five years. When any person has been paroled for five consecutive years, if in the opinion of the Superintendent and the Director of Public Institutions the person is no longer a menace to the health, person, or property of himself or of any other person, the Superintendent, subject to the approval of the Director, may discharge the person. When, in the opinion of the Superintendent, a person who is committed under this chapter has been sufficiently treated, or will not benefit by further care and treatment in the institution, or has improved to such an extent that he is no longer a menace to the health and safety of others, the Superintendent may return the person to the Court for further disposition of his case by the Court.

Recall.

Discharge.

Return to
the Court.

Minors
before
Juvenile
Court.

SEC. 51. If, when a minor is brought before a Juvenile Court or charged with crime in any Court, it appears to the Court, either before or after adjudi-

cation, that the minor is a psychopathic delinquent, the Court may adjourn or suspend the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this act against the minor in the Superior Court, and the Court may order that, pending the preparation, filing and hearing of the petition, or upon a subsequent hearing under this act the minor is found not to be a psychopathic delinquent, the Superior Court shall return the person to the Court in which the case originated for such disposition as that Court may deem necessary and proper. If, upon the hearing of the petition, the Court is of the opinion that, or in doubt whether, the minor is a psychopathic delinquent, the Court shall proceed in accordance with the provisions of section 49 for the commitment of the minor or other disposition of the case.

Suspension of proceedings if minor is a psychopathic delinquent.

Procedure pending hearing.

Hearing.

SEC. 52. Any person not authorized by law so to do, who brings into any institution or within the grounds thereof, any opium, morphine, cocaine or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons, or explosives of any kind is guilty of a felony.

Penalty for bringing drugs and intoxicating liquor into institution.

SEC. 53. As used in sections 53 thru 68 of this act, "establishment" and "institution" include every hospital, sanitarium, home, or other place receiving or caring for any insane, alleged insane, mentally ill, or other incompetent person referred to in this division.

"Establishment" and "institution" defined.

SEC. 54. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the insane, alleged insane, mentally ill, or other incompetent persons referred to in this act without first having obtained a license therefor from the Department of Public Health, and having paid the li-

Private institutions.

License required.

Penalty for
violations.

cense fee provided in this act. Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment, or for the care and treatment of the insane or alleged insane, mentally ill, or incompetents without first having obtained a license from the Department of Public Health, as in this act provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this act shall be liable under the provisions of this act in the same manner and to the same effect as a private individual violating the same.

Corporation
officers
liable.

Duties of
prosecuting
attorney.

SEC. 55. The Prosecuting Attorney of every county shall, upon application by the Department of Public Health or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this act.

Plan of
premises
required.

SEC. 56. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is fixed by the following schedule:

License
fees.

(a) For establishments licensed to receive not more than six patients, the fee is five dollars;

(b) For establishments licensed to receive more than six but not more than twenty-five patients, the fee is twenty-five dollars;

(c) For establishments licensed to receive more than twenty-five but not more than fifty patients, the fee is fifty dollars;

(d) For establishments licensed to receive more than fifty patients, the fee is seventy-five dollars.

In the case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The Department shall require a license fee in situations where licensed establishments increase their number of patients during any fiscal year, based on a pro-rata charge under the schedule set forth herein. No additional fee will be required in the event of an application for transfer of a license to another person to operate the same establishment. No additional license fee shall be required for the transfer of the license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

SEC. 57. The Department of Public Health shall not grant any such license until it has made an examination of the premises proposed to be licensed and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Examination
of premises
prior to
licensing.

SEC. 58. The Department of Public Health may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the inmates of the establishment so demand, the Department may, for just and reasonable cause, suspend or revoke any such license after notice and hearing.

Examination
of premises
after licens-
ing.

Suspension
and revoca-
tion of
license.

SEC. 59. All licenses issued under the provisions of this act shall expire on the first day of July next

Expiration
of licenses.

Renewal
of licenses.

succeeding the date of issue. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the Department of Public Health annually, not less than ten days prior to its expiration and if application is not so filed, the license shall be automatically cancelled.

Periodic
inspections.

SEC. 60. The Department may at any time cause any hospital, establishment or home caring for or treating insane, alleged insane, mentally ill or incompetent persons to be visited and examined.

May inspect
the entire
premises.

SEC. 61. Each such visit may include an inspection of every part of each establishment, and all the outhouses, places, buildings and grounds used in connection therewith. The representatives of the Department of Public Health may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the Department may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

May examine
records,
property,
inmates and
personnel.

Management
and im-
provement of
establish-
ments.

SEC. 62. The representatives of the Department of Public Health may, from time to time, at times and places designated by the Department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them, from time to time, written recommendations in regard thereto.

Duty to file
recommen-
dations of
the Depart-
ment.

SEC. 63. The authorities of each establishment for insane or mentally ill persons or other incompetents shall place on file in the office of the establishment the recommendations made by the Department of Public Health as a result of such visits,

for the purpose of consultation by such authorities, and for reference by the Department representatives upon their visits. Every private establishment or home for the care and treatment of insane, mentally ill or other incompetent persons referred to in this act shall keep records of every person admitted thereto as follows and shall furnish to the Department, when required, the following data: name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, and date of discharge.

Duty to maintain records for the Department.

SEC. 64. This act shall not prevent local authorities of any city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for private institutions for the care, custody or treatment of the insane, alleged insane or other incompetent persons, not in conflict with the provisions of this act, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such city or city and county.

Act not to interfere with local regulations.

SEC. 65. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive and detain therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. Upon the admission of a voluntary patient to a private institution, hospital,

Voluntary patients in private institutions.

Application.

Record to
Department.

or sanitarium, the person in charge shall immediately forward to the office of the Department of Public Health a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital or sanitarium, and such other information as may be required by rule of the Department of Public Health. No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than ten days after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium.

Written
communica-
tions of in-
mates of
private
institution.Duties of
institution.

SEC. 66. No person in a private institution, hospital, sanitarium, department, or ward for the care or treatment of any person provided for by this act shall be restrained from sending written communications of the fact of his detention in such institution to a friend, relative, or other person. The physician in charge of such person and the person in charge of such hospital shall send each such communication to the person to whom it is addressed. If, however, the person in charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to the person detained, or if the physician finds it impossible to send any such communication within twenty-four hours, then both the physician in charge of the patient and the person in charge of the institution shall give notice of the detention of such patient to the Prosecuting Attorney of the county from which the patient came at the time of admission and the Prosecuting Attorney of the county in which the institution is located, and the person to whom such communication was addressed, and to the Department of Public Health, giving the name and address of the patient and the names and addresses of the person or persons who

arranged for his admission and stating the facts of the attempted communication and the reason for withholding it. Such Prosecuting Attorney or Prosecuting Attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full concerning said patient to the Department of Public Health. The person in charge of the institution may detain a patient only when there has been compliance with the provisions of this section.

Duties of
Prosecuting
Attorney.

SEC. 67. No Court proceeding shall be had in relation to the mental condition of a patient in a private institution, hospital, sanitarium, department or ward for the care of or treatment of the mentally ill unless the patient is either present or represented by an attorney. The Judge of the Superior Court before whom the proceedings are to be heard shall appoint two licensed medical examiners who are not connected with any private psychopathic institution to make a personal examination of the patient and to testify before the Judge as to the results of such examinations. The provisions of this section shall not be applicable to proceedings for the appointment of a guardian under general law of this state.

Court pro-
ceedings.

Right to
appear and
to counsel.

Judge shall
appoint two
examiners.

SEC. 68. Failure to comply with any of the provisions of sections 64 through 67 shall constitute grounds for revocation of license: *Provided, however,* That nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any sanitarium, home, establishment, or institution as defined in this act conducted in accordance with the practice and principles of the body known as Church of Christ, Scientist.

Revocation
of a license.

Church of
Christ,
Scientist
exempt
from act.

SEC. 69. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be

Partial
invalidity.

unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 199.

[S. B. 349.]

APPROPRIATIONS—DEPARTMENT OF HIGHWAYS.

AN ACT relating to public highways; making appropriations therefor from the Motor Vehicle and Highway Equipment Funds; declaring an emergency and that this act shall take effect April 1, 1949.

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

Appropriations to Department of Highways.

Salaries, wages and operations.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, for salaries, wages and operations of the office of the Director of Highways and/or district offices of the Department of Highways including that of the Traffic Engineer and Research and Planning Survey, the sum of two million, six hundred seventy-six thousand, three hundred sixty dollars (\$2,676,360) or so much thereof as shall be necessary.

State aid monies to incorporated cities and towns.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, for the purpose of supervising the work and expenditures of state aid monies allotted to incorporated cities and towns and to counties as provided by chapter 181, Laws of 1939, and amendments thereof, the sum of one hundred eighty-eight thousand, one hundred thirty dollars (\$188,130) or so much thereof as shall be necessary.

SEC. 3. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of seventy-five thousand dollars (\$75,000) or as much thereof as shall be necessary for surveys, traffic studies and investigations, including reports where, in his opinion, justification therefor exists as agreed upon with the proper city authorities interested, for the purpose of developing a solution of traffic problems in critical traffic areas within cities.

Surveys,
traffic stud-
ies, and in-
vestigations
of traffic
problems in
cities.

SEC. 4. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, including deficiencies, for carrying out the purposes of section 1, chapter 253, Laws of 1943, which sum shall be deducted from the net tax amount of the Motor Vehicle fuel tax in the Motor Vehicle Fund before credits are made to the incorporated cities and towns and to the counties of the State of Washington, under the provisions of section 3, chapter 181, Laws of 1939, or any subsequent amendment thereof, the sum of two hundred twenty-five thousand dollars (\$225,000).

Construction
and main-
tenance of
roads and
bridges in
State Parks.

SEC. 5. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, for the maintenance and improvement of State Historical Road No. 1 established outside the corporate limits of Tacoma and Puyallup under chapter 225, Laws of 1941, the sum of one hundred fifty-three thousand dollars (\$153,000) or so much thereof as shall be necessary.

Maintenance
and im-
provement
of State
Historical
Road No. 1.

SEC. 6. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, and for obligations

Capital
outlay.

incurred in previous bienniums but not yet paid, for capital outlay, which shall include the purchase and improvement of land, the erection of buildings and structures, major repairs and equipment, including necessary salaries and wages incident thereto, the sum of three million, eight hundred eleven thousand, one hundred fifty dollars (\$3,811,150) or so much thereof as shall be necessary.

Purchase and replacement of equipment.

SEC. 7. There is hereby appropriated and advanced from the Motor Vehicle Fund to the Highway Equipment Fund the sum of five hundred thousand dollars (\$500,000) for the purpose of carrying out the provisions of section 10, chapter 144, Laws of 1935, and amendments thereto, to provide additional funds for the purchase and replacement of equipment.

Primary and secondary highways through cities and towns.

SEC. 8. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, and for obligations not yet paid the sum of sixty million, two hundred seventeen thousand, nine hundred ninety-three dollars (\$60,217,993) or so much thereof as shall be necessary, for non-reimbursable Federal aid, location, right of way, engineering, engineering supervision, improvement, construction and reconstruction of primary and secondary highways and designated routes through cities and towns, including the construction and reconstruction of bridges to form a part of primary and secondary highways and designated routes through cities and towns, interest and bond redemption becoming due between April 1, 1949 and March 31, 1951 on state owned bridges within cities and towns, maintenance, maintenance supervision, extraordinary maintenance and emergencies on the state primary and secondary highway systems and designated routes through cities and towns, including road signs, operation of toll bridges, ferries and radio, and for any and all proper state highway

purposes not specifically set forth in other sections of this act—emergencies being hereby defined as damages to primary or secondary state highways or designated routes through cities and towns and/or structures and ferries, which could not with the exercise of reasonable judgment have been foreseen.

SEC. 9. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of twenty six million dollars (\$26,000,000) or as much thereof as shall be necessary, as a revolving fund to be expended under specific project agreements executed or to be executed under the Federal Aid Road Acts and the state act assenting thereto, and for any other expenditure of any kind by the Department of Highways for which reimbursement is anticipated including inventories and salary suspense.

Agreements
under Fed-
eral Aid
Road Acts.

Expenditures
where reim-
bursement is
anticipated.

SEC. 10. There is hereby appropriated from the Highway Equipment Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of six million, one hundred eighty-eight thousand, five hundred ninety-eight dollars (\$6,188,598) or so much thereof as shall be necessary to continue the Highway Equipment Revolving Fund as established by chapter 144, Laws of 1935 and amendments thereto.

Continuance
of Highway
Equipment
Revolving
Fund.

SEC. 11. There is hereby appropriated from the Motor Vehicle Fund to incorporated cities and towns for the biennium ending March 31, 1951, the sum of nine million, three hundred thousand dollars (\$9,300,000) or as much thereof as shall become available to cities and towns under the provisions of chapter 181, Laws of 1939, as amended, to be paid out and expended in the manner provided by law.

Appropriation
to cities
and towns.

Appropriation to counties.

SEC. 12. There is hereby appropriated from the Motor Vehicle Fund to the various counties of the state, including counties composed entirely of islands, for the biennium ending March 31, 1951, the sum of twenty-eight million, six hundred fifty thousand dollars (\$28,650,000) or as much thereof as shall become available to counties under the provisions of chapter 181, Laws of 1935, as amended, to be paid out and expended in the manner provided by law.

Appropriation to Department of Highways.

SEC. 13. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of fifty thousand dollars (\$50,000) for the survey and location of Primary State Highway No. 2 from a junction with Primary State Highway No. 2 as now constructed approximately four miles west of North Bend southwesterly by the most feasible route by way of Auburn to a junction with Primary State Highway No. 1 in the vicinity of Milton.

Primary State Highway No. 2.

Survey and location of highway between Primary State Highways No. 18 and No. 3.

SEC. 14. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of thirty-five thousand dollars (\$35,000) for the survey and location of a highway from a junction with Primary State Highway No. 18 east of Ritzville southeasterly by the most feasible route by way of Macall, Winona and Endicott to a junction with Primary State Highway No. 3 in the vicinity of Union Flat Creek.

Survey and location of highway between Grand Coulee and Crown Point.

SEC. 15. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of sixty thousand dollars (\$60,000) for the location, right of

way and construction of a highway from the vicinity of Grand Coulee to Crown Point.

SEC. 16. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary for a location survey study and report of the feasibility of a highway connecting Secondary State Highway No. 1-P at Ryderwood and the northerly terminus of Secondary State Highway No. 12-D and submit such report to the Legislature convening in 1951.

Survey study of highway between Secondary State Highways No. 1-P and No. 12-D.

Report of Survey to Legislature.

SEC. 17. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of one million dollars (\$1,000,000) for the location, right of way and construction of snowsheds on Primary State Highway No. 2, Snoqualmie Pass westerly.

Construction of snowsheds on Snoqualmie Pass.

SEC. 18. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways to be expended by the Director of Highways for the biennium ending March 31, 1951, the sum of five hundred thousand dollars (\$500,000) for the location, right of way, engineering and construction of the Metaline Falls Bridge across the Pend Oreille River on Primary State Highway No. 6 in the vicinity of Metaline Falls.

Construction of Metaline Falls Bridge.

SEC. 19. There is hereby appropriated from the Motor Vehicle Fund for the Department of Highways, to be expended by the Director of Highways as in his opinion it may be necessary to carry out the provisions of section 1, chapter 215, Laws of 1945, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

Location and design of Cascade toll tunnel.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of public peace, health and safety, and the support of state government and its existing institutions and shall take effect April 1, 1949.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 200.

[S. B. 28.]

COMPENSATION OF COUNTY OFFICERS.

AN ACT relating to the fixing of compensation of county officers; amending section 6, chapter 148, of Laws of the Extraordinary Session of 1925, as amended.

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

Amendment.

SECTION 1. Section 6, chapter 148, of Laws of the Extraordinary Session of 1925, as last amended by section 1, chapter 87, Laws of 1945 (sec. 4200-5a, Rem. Supp. 1941), is amended to read as follows:

Salaries of county officers.

Section 6. The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding Federal census, or as may be determined under the provisions of sections 1 to 6, inclusive, chapter 177, Laws of 1923, shall be per annum respectively as follows:

Class A counties.

Class A counties: Auditor, Clerk, Treasurer, Sheriff, Assessor, Superintendent of Schools, members of Board of County Commissioners, Coroner, six thousand one hundred dollars; Prosecuting Attorney, sixty-six hundred dollars;

First class counties.

Counties of the first-class: Auditor, Clerk, Treasurer, Sheriff, Assessor, Superintendent of Schools, members of Board of County Commissioners, fifty-four hundred dollars; Prosecuting Attorney, six

thousand dollars; Coroner, twenty-four hundred dollars;

Counties of the second-class: Auditor, Clerk, Treasurer, Sheriff, Assessor, Superintendent of Schools, members of Board of County Commissioners, forty-five hundred dollars; Prosecuting Attorney, forty-eight hundred dollars; Coroner, fifteen hundred dollars;

Second class counties.

Counties of the third-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, members of Board of County Commissioners, four thousand dollars; Prosecuting Attorney, forty-two hundred dollars; Coroner, twelve hundred dollars;

Third class counties.

Counties of the fourth-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, members of the Board of County Commissioners, Prosecuting Attorney, thirty-six hundred dollars;

Fourth class counties.

Counties of the fifth-class: Auditor, Clerk, Treasurer, Sheriff, Prosecuting Attorney, Assessor, Superintendent of Schools, members of Board of County Commissioners, thirty-two hundred dollars;

Fifth class counties.

Counties of the sixth-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, thirty-one hundred dollars; Prosecuting Attorney, two thousand dollars; members of Board of County Commissioners, twelve hundred dollars;

Sixth class counties.

Counties of the seventh-class: Auditor, Clerk, Treasurer, Assessor, Sheriff, Superintendent of Schools, three thousand dollars; Prosecuting Attorney, two thousand dollars; members of the Board of County Commissioners, twelve hundred dollars;

Seventh class counties.

Counties of the eighth-class: Auditor, Treasurer, Assessor, Sheriff, twenty-eight hundred dollars; Clerk, Superintendent of Schools, twenty-four hundred dollars; Prosecuting Attorney, two thousand dollars; members of Board of County Commissioners, twelve hundred dollars;

Eighth class counties.

Ninth class
counties.

Counties of the ninth-class: Clerk, Sheriff, Treasurer, twenty-four hundred dollars; Superintendent of Schools, Prosecuting Attorney, twelve hundred dollars; members of the Board of County Commissioners, ten dollars per diem;

Expenses of
county
officers.

All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the County Commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed eight cents per mile for each mile of necessary travel. In all cases where the duties of any office are greater than can be performed by the person elected to fill the same, said officer may employ, with the consent of the County Commissioners, the necessary help, who shall receive such compensation as shall be fixed by the Board of County Commissioners: *Provided*, That no deputy or clerk employed in the office of any Auditor, Clerk, Treasurer, Prosecuting Attorney, Sheriff, Assessor, Coroner, or Superintendent of Schools shall receive larger compensation than provided for the officer employing him.

Maximum
salary of
clerks and
deputies.

Appointing
officer
responsible
for deputies
and clerks.

The officer appointing such deputies or clerks shall be responsible for the acts of such appointee upon his official bond.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 201.

[S. B. 46.]

APPROPRIATION—STATE SUSTAINED YIELD
FOREST NO. 1.

AN ACT relating to State Sustained Yield Forest No. 1; and an appropriation for the purpose of carrying out the provisions of chapter 175, Laws of 1933.

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

SECTION 1. In order to carry out the purpose of "State Sustained Yield Forest No. 1." and provide for the making of a topographical survey of said forest, the dividing of the same into logging circles or units, making maps thereof and managing said forest under the sustained yield program as provided in chapter 175, Laws of 1933 (secs. 7891-1 to 7879-6, both incl., Rem. Rev. Stat. Supp.), there is appropriated from so much of the General Fund as is not otherwise appropriated the sum of one hundred thousand dollars (\$100,000).

Appropriation to State Sustained Yield Forest No. 1.

SEC. 2. The appropriation provided for in this act shall be disbursed as directed by a committee composed of the Governor, Commissioner of Public Lands, State Auditor and Director of the Department of Conservation and Development. The Governor shall be chairman of said committee.

Committee appointed to disburse funds.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 202.

[H. B. 52.]

LICENSING OF NURSES.

AN ACT regulating the practice of professional nursing; providing for mandatory licensing of professional nurses; prescribing penalties; and repealing certain prior inconsistent statutes.

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

Purpose of act.

SECTION 1. In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice professional nursing in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided.

Practice unlawful unless licensed.

SEC. 2. After the first day of July, 1949, it shall be unlawful for any person to practice or to offer to practice as a professional nurse in this state or to use any title, sign or device to indicate that such a person is practicing as a professional nurse unless such person has been duly licensed and registered under the provisions of this act.

Nurse Planning Council.

SEC. 3. There is hereby created a Nurse Planning Council. On or before July 1, 1949, the Director shall appoint a Nurse Planning Council to consist of the following: Two licensed physicians or surgeons; one hospital administrator who is associated with a school of nursing; one general educator; and one non-nurse citizen of this state. The Executive Secretary of the Board as hereinafter provided shall be an ex-officio member of the Council and shall act as Secretary to the Council. Each member of the Council shall receive necessary travel and incidental expenses incurred in performance of his duties away from home. The term of office of the members shall be at the pleasure of the Director. The Council shall meet annually and shall elect a President. It shall hold such other meetings as deemed necessary upon

Members.

Expenses.

Term of office.

Meetings.

the call of the President of the Council or the Chairman of the Board. The Board shall attend the meetings of the Council. The purpose of the Council shall be to plan with the Board in regard to standards for accreditation of schools of nursing, including curricula and examinations for applicants for license.

Purpose of council.

SEC. 4. Whenever used in this act, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

Construction of language.

A professional nurse as defined in this act is a person who has completed a course in an accredited school of nursing as provided for in this act and terms herself or himself to be a graduate or registered nurse.

Professional nurse defined.

This act shall not be construed as prohibiting the nursing care of the sick, with or without compensation, by any unlicensed person who does not hold herself or himself out to be a graduate nurse or registered nurse, and further, this act shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

Practice of nursing by unlicensed persons.

Practical nurses.

The word "Board" means the Washington State Board of Professional Nurse Registration.

Definitions. "Board."

The term "Department" means the Department of Licenses.

"Department."

The term "Director" means the Director of Licenses.

"Director."

The term "Council" means the Nurse Planning Council.

"Council."

SEC. 5. On or before July 1, 1949, the Governor shall appoint a rotating board of not less than five members. The members of the first Board shall be appointed to serve the following terms, beginning July 1, 1949: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years.

Board.

Terms of members.

Thereafter the terms shall be for five years. The Executive Secretary as hereinafter provided for shall be an ex-officio member of the Board.

Removal of members and vacancies.

The Governor may remove any member from the Board for neglect of any duty required by law, or for incompetency or unprofessional or dishonorable conduct. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as herein provided.

Qualifications of board members.

SEC. 6. Each member of the Board shall be a citizen of the United States and a resident of this state and shall be a registered professional nurse under the provisions of this act, shall have had not less than five years' experience in the practice of nursing following graduation from an accredited school of nursing and shall have been actively engaged in the practice of nursing within two years immediately prior to the time of her appointment.

Board meetings.

SEC. 7. The Board shall meet annually and shall elect from among its members a Chairman and a Secretary. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Board, including one officer, shall constitute a quorum at any meeting.

Quorum.

Powers and duties.

SEC. 8. The Board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this act. The Board shall prescribe curricula and standards for schools preparing persons for licensure under this act. It shall accredit such schools for professional nurses as meet the requirements of this act and of the Board. It shall evaluate and approve courses offered by institutions or agencies for affiliation of student nurses. It shall examine all applicants for registration under this act and shall certify to the Director for licensing duly qualified applicants. It shall keep a record of all its proceedings and make an annual report to the Governor.

Record and annual report

The Director shall furnish to the Board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this act. Each member of the Board shall, in addition to necessary traveling and incidental expenses while away from home, receive fifteen dollars compensation for each and every day engaged in the discharge of his or her duties.

Personnel.

Compensation of members.

SEC. 9. The Director shall appoint a Supervisor of Nurse Registration and Nursing Education who shall act as Executive Secretary of the Board to carry out the provisions of this act. The Director shall also appoint such assistant supervisors as shall be necessary to carry out the provisions of this act. The Director shall fix the compensation and provide for necessary travel expenses for all such appointees.

Supervisors appointed by Director.

SEC. 10. Supervisors of Nurse Registration and Supervisors of Nursing Education shall each be a registered, professional nurse, licensed as provided in this act, hold a degree from an accredited university or college and shall have had not less than five years' experience in the practice of nursing, not less than two of which have been in nursing education, and at the time of appointment shall be actively engaged in nursing education.

Qualifications of supervisors.

SEC. 11. An institution desiring to conduct a school of professional nursing shall apply to the Board and submit evidence that:

Schools of nursing.

(1) It is prepared to carry out the prescribed basic professional nursing curriculum, and

Requirements.

(2) It is prepared to meet other standards established by this law and by the Board. A survey of the institution or institutions with which the school is to be affiliated shall be made by the Executive Secretary or the authorized Supervisor of Nursing Education, who shall submit a written report of the survey to the Board. If, in the opinion of

the Board, the requirements for an accredited school of nursing are met, such school shall be accredited.

Survey of schools.

SEC. 12. From time to time as deemed necessary by the Board, it shall be its duty through its Executive Secretary or the authorized Supervisor of Nursing Education to survey all schools of nursing in the state. Written reports of such survey shall be submitted to the Board. If the Board determines that any accredited school of nursing is not maintaining the standards required by the statutes and by the Board, notice thereof in writing, specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the Board within a reasonable time shall, upon due notice to the school, be removed from the list of accredited schools of nursing to be maintained by the Department.

Reports on surveys.

Notice of failure to maintain standards.

Requirements of applicant for license.

SEC. 13. An applicant for a license to practice nursing shall submit to the Board written evidence that said applicant (1) has completed at least an approved high school course of study or the equivalent thereof as determined by the Board and shall meet such other preliminary qualification requirements as the Board shall prescribe; (2) has completed the basic professional curriculum in an accredited school of nursing and has been issued a diploma therefrom; (3) is of good moral character; (4) is in good physical and mental health; and (5) is not less than twenty years of age.

Written examination.

SEC. 14. The applicant shall be required upon written application to pass a written examination in such subjects as the Board may determine. When an applicant has been issued a diploma from an accredited school of nursing, in the interval before examinations are offered, he may be issued a permit to practice as a professional nurse pending the first succeeding date of examination. Such permits are to be issued for a period of not longer than nine

Permit pending examination.

months. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, as determined by the Board, the Director shall issue to the applicant a license to practice nursing as a registered professional nurse. Those applicants who fail the first examination may be allowed to submit themselves for one subsequent examination without payment of any additional fee if such examination is to be held within one year of the first failure. A permit issued to such applicant may be renewed for not longer than nine months to practice legally until next subsequent examination. No permit may be issued after a second failure to pass the examination. Applicants who fail to satisfactorily complete examinations on second attempt shall be required to complete such courses or nursing practice as prescribed by the Board in order to be eligible for subsequent examinations. Written evidence of satisfactory completion of such required courses or nursing practice shall be submitted to the Board.

Supplemental examinations.
Issuance of license to successful applicants.

Applicants failing to pass first examination.

Renewal of permits.

Applicants failing to pass second examination.

SEC. 15. The Director of Licenses after approval by the Board, written application, and evidence of qualification, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been duly licensed or registered as a registered nurse by examination under the laws of another state, territory or foreign country, if in the opinion of the Board the applicant meets the qualifications required of registered professional nurses in this state.

Prior practice in foreign state.

SEC. 16. Each applicant for a license to practice as a registered, professional nurse shall pay a fee of ten dollars to the State Treasurer.

License fee.

SEC. 17. Any person who holds a license to practice as a registered, professional nurse in this state shall have the right to use the title "Registered

Only licenses may use title of "Registered Nurse."

Nurse" and the abbreviation "R. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a registered, professional nurse.

Persons already licensed.

SEC. 18. Any person holding a valid license or certificate of registration to practice nursing issued by authority of the state when this act becomes effective shall continue to be licensed as a registered, professional nurse under the provisions of this act.

Renewal of licenses.

SEC. 19. Every license issued under the provisions of this act shall be annually renewed, except as hereinafter provided. On or before January 1st, the Director shall mail a notice for renewal of license to every person licensed for the current year. The applicant shall return the notice to the State Treasurer with a renewal fee of one dollar before March 1st. Upon receipt of the notice and fee the Director shall issue to the applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st of that year. Such certificate of renewal shall render the holder thereof a legal practitioner of professional nursing for the period stated on the certificate of renewal.

Penalty for failure to renew license.

SEC. 20. After March 1st, any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty of one dollar. If the applicant fails to renew the license before December 31st of that year, the license shall be issued for the next year by the Director upon written application and fee of ten dollars.

Penalty for practicing after license has lapsed.

SEC. 21. Any person practicing nursing, as provided for in this act, during the time his or her license has lapsed, shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this act.

SEC. 22. A person licensed under the provisions of this act desiring to retire temporarily from the practice of nursing in this state shall send a written notice to the Director. Upon receipt of such notice the name of such person shall be placed upon the non-practicing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state as provided in this act. When such person desires to resume practice, request for renewal of license and payment of renewal fee for the current year shall be made to the State Treasurer.

Temporary retirement from practice.

SEC. 23. The license and registration of any person licensed to practice nursing, under the provisions of this act, shall be revoked or suspended for any of the following causes when found by the Board: (1) The employment of fraud, misrepresentation or deception in obtaining such license; (2) conviction of crime involving moral turpitude; (3) chronic inebriety or habitual use of drugs; (4) fraud and misrepresentation as to skill and ability; (5) distribution of alcohol or drugs for any other than legitimate purposes; (6) unprofessional conduct; and (7) professional incompetence. Upon the recommendation of the Board, the Director shall reissue a license that has been revoked or suspended under the provisions of this section. Application for the reissuance of such license shall not be considered prior to one year after revocation and shall be made in such manner as the Director may specify.

Revocation of licenses.

Causes for revocation.

Reissuance of revoked license.

Application for reissuance.

SEC. 24. Any licensee shall be entitled to a hearing by the Board before his license is revoked or suspended. In all proceedings having for their purpose a revocation or suspension of a license to practice as a registered, professional nurse, the holder of such license shall be given twenty days' notice in writing by the Director, which notice shall specify

Revocation hearing.

Notice of hearing.

Contents of notice. the offense or offenses against this act with which such accused person is charged, and shall also give the day and place where the hearing is to be held, which shall be the city of Olympia, Washington, unless a different place shall be fixed by the Board. The Director or the Chairman of the Board shall

Subpoenas. have the power to issue subpoenas to compel the attendance of witnesses or the production of books or documents. The accused person shall have the opportunity to make his or her defense and may have issued such subpoenas as he or she may desire. Subpeonas may be served in the same manner as in civil cases in the Superior Court. Witnesses shall testify under oath administered by the Chairman of the Board. Testimony shall be taken in writing and may be taken by deposition under such rules as the Board may prescribe. The Board shall hear and determine the charges and shall make findings and conclusions upon the evidence produced; it shall file the same in the Director's office, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing, signed by the Director, stating the grounds upon which such order is based. Neither

Depositions. the Board nor any Court to which an appeal may be taken shall be bound by strict rules of procedure or by the rules of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it.

Findings of board.

Revocation shall be in writing.

Sufficiency of evidence.

Right to appeal. **SEC. 25.** Any person feeling aggrieved by the refusal of the Director to issue any license provided for in this act, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this act, or any law being administered under this act, shall have the right of appeal in the manner provided by section 106, chapter 7, Laws of 1921.

SEC. 26. Reported violations of this act shall be investigated by the Director. In any case in which the Director finds that a violation has occurred, he shall immediately report the same to the Prosecuting Attorney for the county in which the violation took place for prosecution. The Director may appoint investigators, whose duties shall be to investigate such violations and to procure legal evidence of the same for prosecution of offenders. The Director may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon him in the administration of this act.

Violations.

Investigators.

Rules and regulations.

SEC. 27. It shall be a gross misdemeanor for any person to:

Penalty for certain violations.

A. Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

B. Practice nursing as defined by this act under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;

C. Practice nursing as defined by this act, unless duly licensed to do so under the provisions of this act;

D. Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this act;

E. Practice as a registered, professional nurse during the time his or her license issued under the provisions of this act shall be suspended or revoked; and

F. Otherwise violate any of the provisions of this act.

SEC. 28. This act shall not be construed as conferring any authority to practice medicine or to undertake the treatment or care of disease, pain,

Construction of act.

Construction
of act.

injury, deformity or physical condition in violation of section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919; nor shall it be construed as conferring any authority to practice osteopathy or osteopathy and surgery in violation of chapter 4, Laws of 1919, as amended by chapter 82, Laws of 1921; nor shall it be construed as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this act, or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; nor shall it be construed as prohibiting such practice of nursing by students enrolled in accredited schools as may be incidental to their course of study; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this act; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties.

Partial
invalidity.

SEC. 29. Should any section of this act, or any portion of any section, be for any reason held to be

unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

SEC. 30. Chapter 41, Laws of 1909, chapter 81, Laws of 1913, chapter 150, Laws of 1923, and chapter 180, Laws of 1933, are hereby repealed. Repealing clause.

Passed the House March 4, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 203.

[H. B. 395.]

LEASING AGRICULTURAL SCHOOL AND GRANTED LANDS ON SHARE CROP BASIS.

AN ACT relating to leasing of agricultural school and granted lands; providing for leasing the same on a share crop basis, and prescribing the duties of the Commissioner of Public Lands and certain other persons in connection therewith.

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

SECTION 1. The Commissioner of Public Lands may lease agricultural school and granted lands on a share crop basis. Share crop leases shall be on such terms and conditions and for such length of time, not to exceed five years, as the Commissioner may prescribe. Upon receipt of a written application to lease agricultural school and granted lands, the Commissioner shall make such investigations as he shall deem necessary and if he finds that such a lease would be advantageous to the state, he may proceed with the leasing of such land on said basis. Share crop leases.

SEC. 2. If the Commissioner of Public Lands determines to make a lease of agricultural school and granted lands on a share crop basis, he shall fix the terms thereof and publish a notice of leasing in a newspaper of general circulation in the county in which such lands are situated. Such notice shall be Terms and conditions.
Notice of leasing to be published.

advertised for a period of two consecutive weeks and shall contain the legal description of the lands for which application to lease has been made, shall set forth the terms of the lease and fix the time and place at which the leasing shall be held.

Contents of notice.

List of lands to be leased.

SEC. 3. The Commissioner of Public Lands shall certify to the County Auditor of the county in which the land is located a list of the lands to be leased. Upon receipt of any certified list of lands to be offered for leasing under the provisions of this act, the County Auditor shall post said list for a period of thirty days prior to the date of leasing in some conspicuous place in his office and elsewhere in the county as the Commissioner of Public Lands may direct, and on the day and at the place fixed by the Commissioner, shall offer the lands described in the list for lease to the highest bidder.

County Auditor shall post list and offer lands for lease to highest bidder.

Notice of harvest.

SEC. 4. When wheat, barley, rye, corn, other grain or peas are harvested, the lessee shall give written notice to the Commissioner that the crop is being harvested, and shall also give to the Commissioner the name and address of the warehouse or elevator to which such grain or peas are sold or in which such grain or peas will be stored. The lessee shall also serve on the owner of such warehouse or elevator a written copy of so much of the lease as shall show the percentage of division of the proceeds of such crop as between lessee and lessor. The owner of such warehouse or elevator shall make out two warehouse receipts, one receipt showing the percentage of grain or peas belonging to the state and the other showing the percentage of grain or peas belonging to the lessee, and the respective amounts thereof, and shall deliver to the Commissioner the receipt for the state's percentage of such grain or peas within ten days after he has received such instructions.

Copy of lease to be served on warehouseman.

Duties of warehouseman.

SEC. 5. The Commissioner shall sell the grain or peas covered by the warehouse receipt within sixty days after receiving such receipt, or may comply with the provisions of any Federal act or the regulation of any Federal agency with relation to the storage or disposition of said grain or peas.

Sale of grain
and peas.

SEC. 6. The lessee under any lease issued under the provisions of this act shall notify the Commissioner of Public Lands as soon as an estimated yield of the crop can be obtained, such estimate to be immediately submitted to the Commissioner, who is hereby authorized to insure the crop from loss by fire or hail. The cost of such insurance shall be paid by the state and lessee on the same basis as the crop returns to which each is entitled.

Crop
insurance.

SEC. 7. This act shall not repeal the provisions of the general leasing statutes of the State of Washington and all of the general provisions of such statutes with reference to filing of applications, deposits required therewith, forfeiture of deposits, cancellation of leases for non-compliance and general procedures shall apply to all leases issued under the provisions of this act.

Effect of act.

Passed the House February 23, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 204.

[H. B. 329.]

REBATES.

AN ACT relating to rebates, refunds and unearned discounts and prescribing penalties.

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

Persons engaged in practice of medicine or dentistry.

Unlawful to pay or offer to pay rebates, refunds, commissions, etc.

Unlawful to accept rebates, etc.

SECTION 1. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the State of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, or dentistry, and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment.

Penalty for violations.

Any person violating the provisions of this section is guilty of a misdemeanor.

Acceptance is unprofessional conduct.

SEC. 2. The acceptance by any person so licensed of any rebate, refund, commission or unearned discount, whether in the form of money or otherwise, as compensation for referring patients to any person, firm, corporation or association, constitutes unprofessional conduct.

Revocation or suspension of license.

SEC. 3. The license of any person so licensed may be revoked or suspended if he has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting

or refunding of a fee for, or has directly or indirectly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of medical, surgical or dental care, diagnosis or treatment or service, including X-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory service or supplies, X-ray services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment, except payment, not to exceed thirty three and one-third per cent ($33\frac{1}{3}\%$) of any fee received for X-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment.

Causes for
revocation
or sus-
pension.

SEC. 4. It is the intent of this article, and this article shall be so construed, that persons so licensed shall only be authorized by law to charge or receive compensation for professional services rendered if such services are actually rendered by the licensee and not otherwise: *Provided, however,* That it is not intended to prohibit two or more licensees who practice their profession as copartners to charge or collect compensation for any professional services by any member of the firm, or to prohibit a licensee who employs another licensee to charge or collect compensation for professional services rendered by the employee licensee.

Purpose
of act.

Proviso.

Passed the House February 26, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 205.

[H. B. 351.]

DEPARTMENT OF GAME AND STATE
GAME COMMISSION.

AN ACT relating to the Department of Game and the State Game Commission; prescribing the Director's salary; providing for the issuance of certain licenses and the fees therefor; requiring certain reports; authorizing exchange of lands; amending sections 6, 25, 31 and 104, chapter 275, Laws of 1947, and declaring an emergency except as to section 4.

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

Amendment.

SECTION 1. Section 6, chapter 275, Laws of 1947, is amended to read as follows:

Meetings of
State Game
Commission.

Section 6. The State Game Commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the Chairman or by two-thirds majority of the members.

Organization
of Com-
mission.

The Commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the State Capitol and organize by electing one of its members as Chairman to serve for a term of two (2) years, and until his successor is elected and qualified, and biennially thereafter the Commission shall meet at its office and elect one of its members as Chairman, who shall serve for a term of two (2) years and until his successor is elected and qualified.

Commission
may elect
Director.

At such meeting, and at any other meeting after a vacancy in the office of Director of Game has occurred, the Commission shall elect a Director of Game by a two-thirds vote of its membership, who shall hold office at the pleasure of the Commission. The Director shall receive such salary as shall be fixed by the Commission. The said Director shall be ex-officio Secretary of the State Game Commission,

Salary of
Director.

attend its meetings, keep a record of the business transacted by it, and perform such other duties as the Commission may direct.

Each member of the Commission shall receive ten dollars (\$10) for each day actually spent in the performance of his duties and his actual necessary travelling and other expenses in connection therewith, including all expenses in going to, attending, and returning from meetings of the Commission.

Compensation of Commissioners.

Expenses.

The Commission shall, on or before the last Monday of October in each odd numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

Reports of official business.

The Commission shall maintain its office in the principal office of the Department of Game.

Commission office.

SEC. 2. Section 25, chapter 275, Laws of 1947, is amended to read as follows:

Amendment.

Section 25. The Director, with the approval in writing of the Commission, may entirely close, or shorten the open season fixed by any rule or regulation of the Commission for game animals, fur-bearing animals, game birds, or game fish within the respective game areas, and after a season has been closed or shortened, he may reopen it for all or any portion of the time fixed by rule or regulation of the Commission, and he may also fix daily, weekly, or season bag limits on game animals, fur-bearing animals, game birds, or game fish within any game area.

Closing or shortening of season by Director.

Whenever the Director finds that game animals have increased in numbers in any locality of the state to such an extent that they are damaging public or private property, or over-grazing their range, the Commission may establish a special hunting season, designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, promulgate necessary rules and reg-

Special hunting season.

Hunters determined by lot.

ulations, and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto. The drawing shall take place at the city hall of the town nearest the area to be opened. Notice of the establishing of such special hunting season and of the drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

Notice of special season.

Director's order closing season to be filed with County Auditor.

The exercise of power herein granted to close or reopen regular or special seasons, or fix bag limits, shall be by a written order signed by the Director and filed in the office of the Commission, and in the office of the Auditor of any county affected by the order.

Amendment.

SEC. 3. Section 31, chapter 275, Laws of 1947, is amended to read as follows:

Exchange of lands with United States or public agencies.

Section 31. Whenever it may become necessary in order to obtain additional lands for hatchery sites, eyeing stations, rearing ponds, brood traps, trap sites, game animal, fur-bearing animal, game bird, non-game bird, and game fish farms, habitats and sanctuaries and public hunting or fishing areas or for rights of way for access to any and all such lands, to transfer or convey lands held by the state to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, or to any person, and in the judgment of the State Game Commission and the Attorney General such transfer and conveyance is consistent with public interest, the State Game Commission, acting by and through the Director of Game, may enter into agreements accordingly. Whenever the State Game Commission shall make any such agreement for any such transfer or conveyance and together with the Attorney General certifies to the Governor that such agreement has been made setting forth in such certification a description of the land or premises involved, the Governor may execute

Agreements for such exchanges.

and the Secretary of State shall attest and deliver unto the United States or its agencies or instrumentalities, unto any municipal subdivision of the state, or unto any public utility company, or unto any person a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement.

Deed by
Governor
and Secre-
tary of State.

SEC. 4. Section 104, chapter 275, Laws of 1947, is amended to read as follows: Amendment.

Section 104. Any citizen of the United States, who is not a resident of the State of Washington, or person who has in good faith declared his intention of becoming a citizen of the United States who is a non-resident, or who has been a resident of the state for less than six months, may by paying the sum of ten dollars (\$10) obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state when it is lawful to fish therein: *Provided*, That an applicant for such license who is a resident of either the State of Oregon, or the State of Idaho, shall pay the same price for a state non-resident fishing license, that a resident of the State of Washington is required to pay for a similar type of license in the state of which the applicant is a resident.

Non-resident
state hunting
license.

Fee.

Residents
of Idaho
and Oregon
excepted.

SEC. 5. 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, except that the provisions of section 4 hereof shall take effect January 1, 1950.

Emergency
clause.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 206.

[H. B. 403.]

APPROPRIATION—HIGHWAYS IN COLUMBIA BASIN AREA.

AN ACT relating to public highways in the Columbia Basin area; providing for the selection of an arterial system of county roads therein; prescribing the duties of certain officers, county commissioners, the county road engineer and the Director of Highways; and making an appropriation.

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

Appropriations to certain counties for highways in Columbia Basin area.

Grant County.
Franklin County.

Adams County.
Purpose of appropriation.

Restriction on source of appropriation.

SECTION 1. For the biennium ending March 31, 1951, there is hereby appropriated from the Motor Vehicle Fund the sum of eighty-seven thousand seven hundred and fifty dollars (\$87,750) to be allocated by the same officers as make other motor vehicle fuel tax allocations in the following manner: To Grant County the sum of seventy-three thousand dollars (\$73,000); to Franklin County the sum of four thousand two hundred fifty dollars (\$4,250); and to Adams County the sum of ten thousand five hundred dollars (\$10,500), for the purpose of defraying the engineering expense in locating, laying out and preparing construction plans, specifications and estimates for the construction and/or improvement of a system of county arterial highways in said counties which the United States Reclamation Service proposes to place under irrigation during the 1951-1953 biennium: *Provided*, That this appropriation is made out of the proceeds of the motor vehicle fuel tax raised by an act of the Thirty-first Legislature titled: "An Act Relating to the state government and the administration of highways, roads and streets; creating a highways, roads and streets commission; prescribing qualifications, powers and duties of certain officers; repealing chapter 134, Laws of 1941; amending section 3, chapter 53, Laws of 1937; amending sections 60, 61, and 63, chapter 187, Laws of 1937, as amended; amending section 5, chapter 58,

Laws of 1933, as amended; amending section 16, chapter 188, Laws of 1937; amending section 18, chapter 188, Laws of 1937; and amending section 17, chapter 188, Laws of 1937, as amended, and is to be restricted to that portion of the proceeds of said motor vehicle fuel tax (one and one-half cents per gallon): *And provided further*, That the sum hereby appropriated shall be transmitted to the respective counties for deposit into the County Road Fund.

SEC. 2. The arterial system of county roads on which construction plans are to be prepared shall consist of approximately twenty-five per cent and shall not exceed thirty per cent of the mileage of county roads necessary to serve all farm units laid out by the United States Reclamation Service in the area to be irrigated within the time specified. The County Road Engineers and County Commissioners of the respective counties shall select the system of county arterial highways and the Director of Highways shall approve said system before any expenditure shall be made for the preparation of construction plans. The County Road Engineers of the respective counties shall have complete charge of the location, laying out, surveying and preparation of construction plans, specifications and estimates for the system of roads so selected, subject to the approval of the Director of Highways of the design standards used and the cost estimates.

Arterial system of county roads.

Duties of county officers and Director of Highways.

SEC. 3. The sums appropriated to the respective counties by this act shall be set up as a separate account to be known as the Columbia Basin Advance Engineering Account within the County Road Fund of the said counties and shall be expended only for the purposes and in the manner herein provided.

Columbia Basin Advance Engineering Account.

SEC. 4. Copies of the construction plans, specifications and estimates for all of the roads selected as

Plans, specifications and estimates.

Completion and submission to Director.

herein provided shall be completed and submitted to the Director of Highways on or before December 31, 1950.

Passed the House March 3, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 207.

[H. B. 521.]

TRANSFER OF CONTROL OF CERTAIN STATE LAND TO THE STATE COLLEGE.

AN ACT transferring control of certain state land in Yakima County.

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

Transfer of control of state land.

SECTION 1. Jurisdiction and control of the following described tract of state land:

Description of land.

Beginning at a point nine hundred feet north and fifty feet east of the west quarter-section corner of section 29, township 13 north, range 19, E.W.M., said point being located on the east right-of-way line of the county road thereon; thence south eighty-nine degrees fifty-four minutes east, a distance of two hundred thirty feet, thence south a distance of four hundred feet; thence north eighty-nine degrees fifty-four minutes west, a distance of two hundred thirty feet to the east right-of-way line of the county road thereon; thence north a distance of four hundred feet more or less to the point of beginning, all located in Yakima County, Washington; and the structures located thereon are hereby transferred from the Department of Agriculture to the State College of Washington.

Transferred to State College.

Passed the House March 3, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 208.

[H. B. 394.]

LICENSING OF MOTOR VEHICLE OPERATORS.

AN ACT relating to licensing of motor vehicle operators; providing for the expiration of licenses and amending section 54, chapter 188, Laws of 1937.

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

SECTION 1. Section 54, chapter 188, Laws of 1937, Amendment.
is amended to read as follows:

Section 54. (a) Every vehicle operator's license Expiration of operator's licenses.
issued hereunder shall be valid until suspended, cancelled or revoked, as provided by law: *Provided*, That all vehicle operator's [operators'] licenses hereunder shall expire on the anniversary of the date of birth of the operator, two (2) years or less after the date of issue, but all vehicle operators' licenses issued prior to the effective date of this act shall expire July 31, 1949.

(b) Every vehicle operator's license issued hereunder shall be valid for a term of two (2) years, except as otherwise provided, and shall be renewed for a like period on or before the second anniversary of the licensee's date of birth next succeeding date of issue for a further period of two (2) years from such anniversary, upon receipt of the application and fee as in the case of original application as provided herein. Notwithstanding the foregoing provisions the Director of Licenses shall change the expiration dates to a system of staggered expiration dates based on the anniversary date of birth of the applicant and shall collect additional or lesser fees as hereinafter provided. Renewal of licenses.
The expiration dates of such licenses for every person whose date of birth ends in odd numerals shall be projected as follows: Staggered expiration dates.
Anniversaries occurring in August, September, October, November, and December, 1951, will be charged the fee of \$3.75; January, February, March, April,

May, June and July, 1951, the regular fee of \$3.00. The expiration dates of such licenses for persons whose date of birth ends in even numerals shall be projected as follows: July, August, September, October, November, and December, 1950, \$2.25; January, February, March, April, May, and June, 1950, \$1.50. After the expiration dates as provided herein all subsequent licenses shall expire two years from the date of expiration as shown on the expiring license which in every event shall be the licensee's anniversary of birth.

Fees for initial license.

(c) Every person making application for the first time in the state for a vehicle operator's license shall, upon payment of a fee of three dollars (\$3), receive an operator's license expiring on the applicant's second birthday after the date of issue.

Passed the House February 26, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 209.

[H. B. 401.]

MINIMUM SALARY OF PUBLIC SCHOOL TEACHERS.

AN ACT relating to education and amending section 1, chapter 198, Laws of 1937.

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

Amendment. SECTION 1. Section 1, chapter 198, Laws of 1937, is amended to read as follows:

Minimum salary of public school teachers.

Section 1. After the passage of this act no school board shall contract with a teacher to teach in the public schools of the State of Washington for a smaller amount than two hundred dollars (\$200)

per month on the basis of twelve (12) months per year.

Passed the House March 3, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 210.

[H. B. 47.]

APPROPRIATION—STATE UNIVERSITY FOR COAL RESEARCH.

AN ACT authorizing the University of Washington to construct, equip, maintain and operate a pilot plant for research and experiment to determine the practicability of the total conversion of Washington coal into gas for domestic and industrial use; making an appropriation for such purpose and vesting control in the Board of Regents.

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

SECTION 1. The University of Washington is hereby authorized to construct, equip, maintain and operate a pilot plant to be located at Seattle, Washington, for conducting experiments and research to determine the practicability of the total conversion of Washington coal into gas for domestic and industrial use.

Pilot plant for research in conversion of coal into commercial gas.

SEC. 2. There is hereby appropriated to the University of Washington from the General Fund the sum of one hundred and twenty-five thousand dollars (\$125,000) or so much thereof as may be necessary, and to be used only when matching fund of one hundred and twenty-five thousand dollars (\$125,000) in money or its equivalent in materials, supplies and labor be contributed to the University of Washington by industries or parties interested for the construction, equipment, maintenance and operation of said pilot plant. At the completion of the experiment, all equipment, materials and money revert to the University of Washington.

Appropriation for pilot plant.

Matching funds from interested parties.

Powers of Board of Regents.

SEC. 3. The Board of Regents of said university shall have full control and direction of the design, construction, equipment, maintenance and operation of said pilot plant and of the disbursement of the monies hereby appropriated. Said Board is further hereby fully authorized to enter into such contract or contracts as in its judgment are necessary and proper to carry out the purposes of this act: *Provided*, That in all cases said Board shall require from contractors a good and sufficient bond for the faithful performance of their work and the full protection of the state against mechanics' and other liens: *And provided, further*, That the Board shall not have the power to enter into any contract in carrying out the purposes of this act, which shall bind said Board to pay out any sum of money in excess of the amount hereby appropriated.

Contracts.

Contractor's bond.

Limitation of contracts.

Passed the House February 26, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 211.

[H. B. 105.]

FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS.

AN ACT relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; providing penalties for violations thereof; amending section 31, chapter 158, Laws of 1939 (section 6600-131, Rem. Rev. Stat.; section 294-59, PPC), by adding thereto twenty-one new sections to be known as sections 31-a through 31-u; providing for an appeal; making an appropriation; and declaring this act shall take effect February 1, 1950.

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

Amendment.

SECTION 1. Section 31, chapter 158, Laws of 1939 (section 6600-131, Rem. Rev. Stat.; section 294-59, PPC), is amended by adding thereto twenty-one new

sections to be known as sections 31-a through 31-u and to read as follows:

Section 31-a. *Report of Accident Required.* 1. The operator of any motor vehicle involved in an accident within this state, in which any person is injured seriously enough to require medical attention by a doctor or in which any one person's property, including himself, sustains damage in excess of two hundred dollars (\$200), shall within ten (10) days after such accident report the matter in writing to the Director. The form of such report shall be prescribed by the Director, shall require facts to enable the Director to determine whether the requirements for deposit of security under section 31-b are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall call for such additional information as may reasonably be required by the Director for the administration of this act. If the operator is physically incapable of making the report, then the report shall be made by the owner of the motor vehicle, if other than the operator, within ten (10) days after such owner learns of such accident; or, if the operator is also the owner of such motor vehicle, the report shall be made by the operator within ten (10) days after the operator becomes physically capable of making the report or of directing others to make the report on his behalf. The operator or owner shall furnish such additional relevant information as the Director may require.

Report of accident required under certain conditions.

Form of report.

2. In addition to any other penalty provided by this act, the Director shall suspend the operator's license or any non-resident's operating privilege of any person who fails to make the report of accident as herein required, such suspension to continue until the report has been made and all other provisions of this act have been fully complied with.

Penalties for failure to make reports.

Section 31-b. *Security Required Following Accident. Suspension for Failure to Deposit Security.*

Director to determine amount of security necessary.

Notice to operator of security required.

Suspension of operator's license for failure to deposit security.

Notice of suspension to operator.

Exceptions as to security requirements.

No injury or damage to others.

Owner of parked vehicle.

Within thirty (30) days after receipt of a report of such an accident the Director shall determine, with respect to each operator or owner of each motor vehicle involved in the accident and reported upon, except as to persons exempt from the requirement of security under this act, the amount of security sufficient, in his judgment, but within the limits prescribed in this act, to satisfy all judgments for damages resulting from such accident as may be recovered against such operator or owner. Upon making such determination the Director shall in writing forthwith notify each such operator or owner of the security so required. If within thirty (30) days after the date of mailing of notice by the Director of the requirement of security such operator or owner has not deposited with the Director the kind and amount of security so required, and except as provided in sections 31-c and 31-d of this act, the Director shall forthwith suspend the operator's license or non-resident's operating permit of such operator or owner. Not less than ten (10) days prior to the effective date thereof the Director shall mail notice of such suspension to such operator or owner at his last address of record with the Director.

Section 31-c. *Exceptions as to Requirement of Security and Suspension,—Circumstances of Accident.* The requirements as to security and suspension in section 31-b shall not apply:

(1) To the operator or owner of a motor vehicle involved in such an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(2) To the operator or owner of a motor vehicle if at the time of the accident the vehicle was parked, unless the Director determines that any such parking was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by law and that such violation contributed to the accident.

(3) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission.

Vehicle operated without permission of owner.

Section 31-d. *Exceptions as to Requirement of Security and Suspension,—Existing Security or Settlement.* 1. The requirements as to security and suspension in section 31-b shall further not apply to:

Exceptions as to security requirements.

(1) Any operator or owner if such owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in such accident.

Automobile liability insurance on vehicle.

(2) Any operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

Liability insurance on operator not owning vehicle.

(3) Any operator or owner if the liability of such operator or owner for damages resulting from the accident is, in the judgment of the Director, covered by any other form of liability insurance policy or bond.

Other liability insurance policies.

(4) Any person qualifying as a self-insurer under section 31-m, nor to any person operating a motor vehicle for such self-insurer.

Self-insurers.

(5) Any operator or owner if such operator or owner was at the time of the accident in good faith entitled to but unable, solely because of his race or color, to procure an automobile liability policy through ordinary methods without rate modification.

Failure to obtain liability insurance due to race or color.

2. The requirements as to security and suspension in section 31-b shall further not apply if, prior to the date that the Director would otherwise suspend such license or operating privilege under this act, there is filed with the Director evidence satisfactory to him that the person who otherwise would have to file security has been released from liability or been finally adjudicated not to be liable or has ex-

Release from liability or settlement.

ecuted a confession of judgment payable when and in such installments as the parties have agreed to, or has executed and acknowledged a written agreement providing for the payment of an agreed amount in installments, all with respect to all claims for injuries or damages resulting from the accident.

Qualifica-
tions of In-
surance pol-
icy or bond.

Section 31-e. *Qualifications of Insurance Policy or Bond.* No insurance policy or bond shall be deemed effective under section 31-d unless such policy or bond:

(1) Is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than five thousand dollars (\$5,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars (\$10,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in damage to or destruction of property, to a limit of not less than one thousand dollars (\$1,000) because of damage to or destruction of property of others in any one accident.

(2) Is issued by an insurer authorized to transact such insurance in this state; or

(3) If such motor vehicle was not registered in this state, or was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, was issued by an insurer which, if not authorized to transact insurance in this state, has executed and filed with the Director its power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

Duration of
suspension.

Section 31-f. *Duration of Suspension.* The operator's license or non-resident's operating privilege suspended as provided in section 31-b shall remain suspended and shall not be renewed nor shall any

such license or privilege be issued to such person until:

(1) The security required under section 31-b has been deposited by or on behalf of such person; or

(2) One (1) year has elapsed following the date of such accident and evidence satisfactory to the Director has been filed with him that during such period no action for damages arising out of such accident has been instituted against such person; or

(3) Evidence satisfactory to the Director has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with section 31-d.

Section 31-g. *Suspension Upon Default.* If there is any default in the payment of any installment under any such confessed judgment or under any such acknowledged written agreement, then upon notice of such default the Director shall forthwith suspend the operator's license or non-resident's operating privilege of such person defaulting, and shall not restore such license or privilege until such person deposits and thereafter maintains security as required under section 31-b in such amount as the Director may then determine or, in the case of such acknowledged agreement, until one (1) year has elapsed following the date when such security was required and during such period no action upon such agreement has been instituted against such person in a court in this state.

Suspension
upon
default.

Section 31-h. *Application to Non-Residents and Unlicensed Operators.* If the operator of a motor vehicle involved in an accident within this state had no operator's license or non-resident's operating privilege, the Director shall not allow him such a license or privilege until such operator has complied with the requirements of this act in the same manner as would be necessary if, at the time of the accident, he had held such a license or privilege.

Application
to non-resi-
dents and
unlicensed
operators.

Form and amount of security.

Section 31-i. *Form and Amount of Security.*

1. The security required under section 31-b shall be in such form and in such amount as the Director may require, but in no case shall such security exceed five thousand dollars (\$5,000) for injury or death of any one person, nor, subject to such limit as to any one person, be in excess of ten thousand dollars (\$10,000) for injury or death of all persons caused by any one accident, nor be in excess of one thousand dollars (\$1,000) for all damages to property caused by one accident.

2. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made. At any time while such deposit is in the custody of the Director the person so depositing may, in writing, amend such specification to include an additional person or persons.

3. A single deposit of security shall relate only to one accident and may be on behalf only of a person or persons who may be liable by reason of the acts or negligence of the operator or owner of any motor vehicle involved in such accident.

Reduction of security.

Section 31-j. *Reduction of Security.* The Director may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in his judgment, the amount ordered is excessive. The Director shall forthwith return to the depositor or his personal representative the excess amount as so determined, of any deposit of security then held by him.

Custody and applicability of security.

Section 31-k. *Custody, and Applicability of Security.* 1. Security deposited in compliance with this act shall be in the custody of the Director.

2. Such security shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit of security was made, in an action at law arising out of the accident with relation to which

such security was deposited, or toward payment of such confessed judgment or acknowledged settlement agreement. In the case of security deposited pursuant to section 31-b such action must have been for damages arising out of the accident and instituted within one (1) year after the date of the accident. In the case of security deposited pursuant to section 31-g such action must have been for damages arising out of the accident or an action upon such acknowledged agreement or in the alternative, and must have been instituted not later than one (1) year after that default in such agreement pursuant to which such action was instituted.

Section 31-l. *Return of Security.* The Director shall return such security, or any portion thereof remaining after application to any judgment or judgments or agreement pursuant to section 31-k, to the depositor or his personal representative upon evidence, filed with and satisfactory to the Director, of the happening of any of the following as regards such accident and the person or persons on whose behalf such security was deposited:

Return of security.

- (1) Final adjudication of non-liability.
- (2) Release from liability.
- (3) Judgment or judgments have been paid.

(4) If the security was deposited pursuant to section 31-b, lapse of one (1) year from the date of the accident without an action being instituted in a court in this state against such person or persons.

Section 31-m. *Self-Insurers.* 1. Any person in whose name twenty-five (25) or more motor vehicles are registered in this state may apply to the Director for a certificate of self-insurance.

Self-insurers.

2. The Director may, upon such application, issue a certificate of self-insurance if he is reasonably satisfied that such person is able and will continue to be able to pay judgments rendered against him for damages arising out of motor vehicle accidents within this state.

Notice of hearing for cancellation of certificate.

3. Upon not less than five (5) days' written notice mailed to such person at his address last of record with the Director, and a hearing pursuant to such notice, the Director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any such judgment within thirty (30) days after it has become final shall be deemed to constitute one of such grounds for cancellation.

Penalties for misrepresentation.

Section 31-n. *Misrepresentations.* If any person to whom this act is applicable, misrepresents to the Director in writing any fact or circumstance material to any determination by or action of the Director hereunder, or material to exemption from the requirement of a deposit of security, the Director shall upon discovery suspend or cancel the operator's license, or non-resident operating privilege, or certificate of self-insurance of such person, and shall not restore any such license, privilege or certificate except upon conditions deemed by the Director adequate to remedy the effect of such misrepresentation.

Matters not to be evidence.

Section 31-o. *Matters Not to be Evidence.* No report, statement, action or determination made to or taken by the Director, or any thing done by any person pursuant to this act shall be referred to in any way or be admissible as evidence for any purpose in any action to recover damages on account of any motor vehicle accident.

Information in files not open to public.

Section 31-p. *Files Not Public.* Information in the files of the Director pursuant to this act, pertaining to any motor vehicle accident or action taken or security required or insurance policy or bond involved therewith shall not be open to public inspection nor shall the Director or any other person furnish information therefrom, or access thereto to any person other than to public officials or employees acting in the course and for the purposes of their official duties.

Section 31-q. *Director Shall Administer; Rules and Regulations.* 1. The Director shall administer and enforce the provisions of this act. Powers and duties of Director.

2. The Director is authorized to promulgate and enforce such rules and regulations as may be necessary for the administration of this act. Rules and regulations.

3. Any person aggrieved by an action, determination, or requirement of or by the Director under this act shall have the right to appeal therefrom to the Superior Court of the county in which the appealing party resides. Such an appeal shall be filed within the same time and shall follow the same procedures and have like effect as is provided in the case of appeals relative to the suspension, revocation, cancellation or refusal of licenses or certificates by section 74, chapter 188, Laws of 1937 (section 6312-74, Rem. Rev. Stat.). Appeal to Superior Court by aggrieved persons.

Section 31-r. *Violations and Penalties.* It shall be a misdemeanor for any person willfully and in writing to misrepresent to the Director any fact or circumstance material to any determination or action of the Director pursuant to this act or 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, and every person convicted thereof shall be punished accordingly. Penalties for violations.

Section 31-s. *Act Not to Repeal Other Laws.* This act shall in no respect be deemed or held to be a repeal of any other provisions of the state motor vehicle laws but shall be construed as supplemental thereto. Other laws not repealed.

Section 31-t. *Constitutionality.* If any provision of this act or the application thereof to any circumstance is held invalid, the remainder of this act, or the application of the provision to other circumstances, shall not be affected thereby. Partial invalidity.

Section 31-u. *Effective Date. Not Retroactive.* This act, except as to the appropriation hereinafter Effective date of act.

provided, shall become effective on the first day of February, nineteen hundred and fifty (1950). This act shall not apply as to any motor vehicle accident occurring prior to the effective date of this act.

Appropriation.

SEC. 2. There is hereby appropriated the sum of seventy-five thousand dollars (\$75,000) from the General Fund of this state to be used by the Director of Licenses in carrying out the provisions of this act.

Passed the House March 6, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 212.

[H. B. 243.]

EDUCATION—SUPPORT OF COMMON SCHOOLS.

AN ACT relating to education, providing for support of the common schools and amending sections 4, 5 and 6, chapter 141, Laws of 1945.

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

Amendment.

SECTION 1. Section 4, chapter 141, Laws of 1945, is amended to read as follows:

Computation of apportionments to school districts.

Section 4. The Superintendent of Public Instruction shall each year compute the amounts due and apportionable to each school district based upon the annual reports of the County Superintendents for the preceding school year. Apportionment credit shall be allowed for not to exceed one hundred eighty (180) days during the preceding year, except for schools approved by the State Board of Education for operation during summer months, and shall be calculated as follows:

First. Thirty-five cents (35¢) shall be allowed for each day's attendance in the common schools of the state on the following basis:

(a) The total number of actual days' attendance in elementary schools, junior high schools and high schools:

(b) An additional one-fifth ($\frac{1}{5}$) times the actual days' attendance in junior high schools.

(c) An additional two-fifths ($\frac{2}{5}$) times the actual days' attendance in high schools.

(d) An additional one-fifth ($\frac{1}{5}$) times each hour of actual attendance in vocational classes approved for such apportionment credit by the State Board for Vocational Education.

(e) Three (3) times the actual days' attendance in parental schools where food and lodging are provided.

(f) Two (2) times the actual days' attendance in thirteenth (13th) and fourteenth (14th) years in high schools approved for such years of instruction by the State Board of Education.

(g) An additional three thousand (3,000) days' attendance for each special service unit in remedial education, guidance, health, and other special services designated by the State Board of Education. A special service unit shall consist of one full-time certificated employee performing educational or related services in accordance with standards for such services established by the State Board of Education.

(h) One-fifth ($\frac{1}{5}$) of one day's attendance for each hour's actual attendance in night school classes, part-time schools and adult education classes.

(i) One-half ($\frac{1}{2}$) of one day's attendance for each two (2) hours' actual attendance in kindergarten.

Second. The amount due and apportionable as reimbursement for costs of transportation as provided by law.

Third. The amount due and apportionable as an equalization payment as provided by section 6 of this act.

Computation
of apportionments to
school
districts.

Computation of apportionments to school districts.

Fourth. The amount due and apportionable for educational units as provided by section 5 of this act.

Fifth. If the total school district tax levy in any school district during the preceding school year shall have been less than the maximum levy allowed by law without a vote of the people, the amounts due and apportionable to such school district under this act shall be reduced by the amount which such maximum allowable levy would have brought in excess of that obtained through the actual levy.

Amendment.

SEC. 2. Section 5, chapter 141, Laws of 1945, is amended to read as follows:

Computation of appropriations to educational units of school districts.

Section 5. The Superintendent of Public Instruction shall compute the total number of educational units, each such unit consisting of one full-time certificated employee, maintained by each school district of the state during the school year, and shall apportion as of September first of each year to each county for the school districts thereof an amount for each such educational unit therein which shall be determined by a proration of the balance of the appropriation made to carry out the purposes of this act after apportionment credits have been allowed as provided in paragraphs First, Second and Third of section 4 of this act: *Provided*, That, for part-time educational units, one-sixth ($\frac{1}{6}$) of a unit shall be allowed for each hour's service of such unit for a school year: *Provided, further*, That the number of educational units allowed to any school district shall not exceed the number required to serve the children of the district in accordance with pupil-teacher ratio standards established by the State Board of Education: *Provided, further*, That apportionment credit shall not be allowed for educational units in which sixty per cent (60%) or more of the certificated employee's salary is paid or reimbursed from Federal funds or sources other than the school district: *Provided, further*, That if the total amount

appropriated by the State Legislature for apportionments to all counties is more or less than the amount required to pay in full the apportionments under this act, the amount allowed for each educational unit under this section shall be adjusted accordingly.

SEC. 3. Section 6, chapter 141, Laws of 1945, is amended to read as follows: Amendment.

Section 6. The County Superintendent of Schools of each county shall compute the amount needed by each school district within his county to provide it with a minimum school district revenue of twenty cents (20¢) for each day's attendance plus thirty per cent (30%) of the cost of transportation during the preceding school year as determined by section 4 of this act: *Provided*, That for the purpose of computing equalization payments every school district shall be allowed a minimum of four thousand five hundred (4,500) days' attendance for each educational unit as defined in section 5 of this act. He shall also compute the amount which, irrespective of any delinquencies, three-fourths ($\frac{3}{4}$) of the maximum school district levy permissible without a vote of the electors would produce upon the assessed valuation of each district adjusted to fifty per cent (50%) of the true and fair value in money of the taxable property in the district in accordance with the ratio of assessed valuation to actual valuation fixed by the State Board of Equalization for the county in which the district is located, without regard to any limitation imposed on the tax levy of the district by virtue of any requirements respecting the payment of bonded indebtedness. To this amount he shall add the actual receipts of the school district during the preceding school year from the county high school fund and such other receipts as the Superintendent of Public Instruction shall determine in conformity with the intent of this section, and, if this total sum is less than twenty cents (20¢) for each day's attendance computed as hereinbefore

Computation
of minimum
school
district
revenues.

Computation
of minimum
school
district
revenues.

set forth plus thirty per cent (30%) of the cost of transportation during the preceding school year, the County Superintendent of Schools shall certify to the Superintendent of Public Instruction such computations and deficit, and the last actual tax levy for such district. The Superintendent of Public Instruction shall place such deficit for such district as a charge against the Current State School Fund, and such additional amount shall be due and apportionable as an equalization payment. The State Board of Education shall establish minimum standards governing the maintenance and operation of the common schools of the state and shall also establish a schedule of minimum funds required by school districts to enable them to meet the aforesaid minimum standards: *Provided*, That no minimum standard shall include any factor depending on the location of the school or its relative location with respect to another school. Any school district in which the plan for the maintenance and operation of schools is in conformity with the aforesaid minimum standards and in which the revenues available from all sources, including the amount which three-fourths ($\frac{3}{4}$) of the maximum school district levy as hereinbefore defined would produce as aforesaid, are less than the amount necessary to meet the aforesaid schedule of minimum funds, shall be granted by the Superintendent of Public Instruction from the Current State School Fund a sufficient additional amount which, when added to the amount of the aforesaid revenues available from all sources, shall equal the schedule of minimum funds, and such additional amount shall be apportioned at the same time and in the same manner as other equalization funds are apportioned.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 213.

[H. B. 532.]

LEGISLATIVE COMMITTEE ON HIGHWAYS,
STREETS AND BRIDGES.

AN ACT relating to the Legislature; continuing "The Joint Fact-Finding Committee on Highways, Streets and Bridges" which was created and established by chapter 111, Laws of 1947; providing for the selection thereof and continuing its powers and duties; regulating the functions, expenditures and other activities of the committee; making an appropriation; providing for its findings and reports; and declaring an emergency.

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

SECTION 1. "The Joint Fact-Finding Committee on Highways, Streets and Bridges," hereinafter referred to as "the committee," which committee was created by the Legislature in chapter 111, Laws of 1947, is hereby continued for another biennium. It shall consist of six (6) senators appointed by the President of the Senate and six (6) members of the House of Representatives appointed by the Speaker thereof. One of the senate members and one of the house members shall be appointed from the area included within each of the six (6) state highway districts. The list of the appointees shall be submitted before the close of the 1949 session of the Legislature for confirmation of the senate members, by the Senate, and of the house members, by the House. Vacancies occurring or existing in the membership shall be filled by the appointing powers.

SEC. 2. The Committee is hereby authorized and directed to continue its studies and for that purpose shall have all the duties and powers set forth in sections 2, 3, 4 and 5 of chapter 111, Laws of 1947, and shall be entitled to the same reimbursement of expenses as set forth in section 5 thereof except that travel expenses shall be at the rate of seven cents (7¢) per mile.

Legislative
Fact-Finding
Committee
on Highways,
Streets and
Bridges.

Members.

Vacancies.

Powers
and duties.

Expenses.

Appropriation to committee.

SEC. 3. There is hereby appropriated from the Motor Vehicle Fund the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary to carry out the purposes of this act.

Emergency.

SEC. 4. 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 March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 214.

[H. B. 487.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation, amending chapter 35 of the Laws of 1945, as amended by chapter 215 of the Laws of 1947, repealing sections 72, 111, 112, 113, 114, 115 and 116 of chapter 35 of the Laws of 1945, as amended by chapter 215 of the Laws of 1947; declaring an emergency and fixing the effective date of this act.

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

Amendment.

SECTION 1. Section 4 of chapter 35 of the Laws of 1945 (section 9998-143, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

"Benefit year."

Section 4. *Benefit Year.* "Benefit year" means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June.

Amendment.

SEC. 2. Section 9 of chapter 35 of the Laws of 1945 (section 9998-148, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

"Employer."

Section 9. *Employer.* "Employer" means any individual or type of organization, including any

partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this act.

Irrespective of any other inconsistent provisions of this act, any employing unit shall also be deemed to be an employer for the purposes of this act to the same extent that services performed for such employing unit constitute subject employment under the provisions of any Federal tax against which credit may be taken for contributions paid into a State Unemployment Compensation Fund.

SEC. 3. Section 18 of chapter 35 of the Laws of 1945, as amended by section 5 of chapter 215 of the Laws of 1947 (section 9998-157, Remington's Revised Statutes, 1947 Supp.) is hereby amended to read as follows:

Amendment.

Section 18. *Maritime Service.* The term "employment" shall include an individual's entire service as an officer or member of a crew of an American vessel wherever performed and whether in intrastate or interstate or foreign commerce, if the employer maintains within this state at the beginning of the pay period an operating office from which the operations of the vessel are ordinarily and regularly supervised, managed, directed and controlled. The term "employment" shall not include services performed as an officer or member of the crew of a vessel not an American vessel and services on or in connection with an American vessel under a contract of service which is not entered into within the United States and during the performance of which the vessel does not touch at a port of the United States.

Maritime service "employment."

American vessel. "American vessel," means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

Amendment. SEC. 4. Section 33 of chapter 35 of the Laws of 1945, as amended by section 6 of chapter 215 of the Laws of 1947 (section 9998-171, Remington's Revised Statutes, 1947 Supp.) is hereby amended to read as follows:

"Wages." Section 33. *Wages.* "Wages" means the first three thousand dollars of remuneration paid by one employer during any calendar year to an individual in its employment under this act or the unemployment compensation act of any other state.

"Remuneration." "Remuneration" means all compensation paid for personal services, including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the Commissioner.

"Wage credits." "Wage credits" applicable to eligibility for benefits means the same as "wages."

Amendment. SEC. 5. Section 34 of chapter 35 of the Laws of 1945 (section 9998-172, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Retirement and disability payments. Section 34. *Retirement and Disability Payments Excepted.* The term "wages" shall not include the amount of any payment by an employing unit for or on behalf of an individual in its employ under a

plan or system established by such employing unit which makes provision for individuals in its employ generally, or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities or into a fund to provide for any payment) on account of retirement, sickness or accident disability, or medical and hospitalization expenses in connection with sickness or accident disability.

SEC. 6. Section 35 of chapter 35 of the Laws of 1945 (section 9998-173, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows: Amendment.

Section 35. *Death Benefits Excepted.* The term "wages" shall not include the amount of any payment by an employing unit for or on behalf of an individual in its employ under a plan or system established by such employing unit which makes provision for individuals in its employ generally, or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities or into a fund to provide for any payment) on account of death, provided the individual in its employ Death benefits excepted.

(a) has not the option to receive instead of provisions for such death benefits, any part of such payment, or, if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employing unit; and

(b) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefits to assign such benefits or to receive a cash consideration in lieu of such benefits, either upon his withdrawal from the plan or system providing for such benefits or upon termination of such plan or system or policy of insurance or of his services with such employing unit.

Amendment.

SEC. 7. Section 40 of chapter 35 of the Laws of 1945 (section 9998-178, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Commissioner's powers and duties.

Section 40. *Commissioner's Duties and Powers.* It shall be the duty of the Commissioner to administer this act. 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 this act, and shall have an official seal which shall be judicially noticed. Not later than the 1st day of July 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 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 Legislature and make recommendations with respect thereto.

Official seal.

Report to Governor.

Contents of report.

SEC. 8. Section 44 of chapter 35 of the Laws of 1945 (section 9998-182, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Amendments.

Section 44. *Reciprocal Benefit Arrangements.* As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia and any foreign government and, where applicable, shall also be deemed to include the Federal government or provisions of a law of the Federal government, as the case may be.

Reciprocal benefit arrangements.

As used in this section the term "claim" shall be deemed to include whichever of the following terms is applicable, to wit: "application for initial determination," "claim for waiting period credit," or "claim for benefits."

"Claim" defined.

The Commissioner may enter into agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this act or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the Commissioner as being fair and reasonable to all affected interests, and whereby the wages of such individual, if earned in two or more states (including another state) may be combined, and further, whereby this state or another state shall reimburse the paying state in an amount which shall bear the same

Agreements with other states.

ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state, and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Reciprocal
arrange-
ments.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by the provisions of this section, the Employment Security Department of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state. A copy of such report shall be sent to the individual's most recent employing unit as stated by the individual, if such employing unit is in this state. Re-examination of such report shall promptly be made upon receipt of a request therefor made by the individual or employing unit entitled to such report and a determination thereon be issued. Appeal from any determination by the Employment Security Department of this state may be had pursuant to the provisions of this act dealing with appeals relating to benefits.

Report to
other state.

Reimburse-
ments from
other states.

The Commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the Unemployment Compensation Fund in accordance with arrangements made pursuant to the provisions of this section.

Amendment.

SEC. 9. Section 68 of chapter 35 of the Laws of 1945 (section 9998-206, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Benefit
eligibility
conditions.

Section 68. *Benefit Eligibility Conditions.* An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the Commissioner finds that

(a) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the Commissioner may prescribe, except that the Commissioner may by regulation waive or alter either or both of the requirements of this subdivision 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;

(b) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this act;

(c) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work;

(d) he has been unemployed for a waiting period of one week; and

(e) he has within the base year been paid wages of not less than five hundred dollars.

SEC. 10. Section 69 of chapter 35 of the Laws of 1945 (section 9998-207, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Amendment.

Section 69. *Waiting Period Credit Limitation.* No week shall be counted as a waiting period week,

Waiting period credit limitation.

(a) if benefits have been paid with respect thereto, and

(b) unless the individual was otherwise eligible for benefits with respect thereto, and

(c) unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits.

Repealing
clause.

SEC. 11. Section 72 of chapter 35 of the Laws of 1945 (section 9998-210, Remington's Revised Statutes, 1945 Supp.) is hereby repealed.

Amendment.

SEC. 12. Section 73 of chapter 35 of the Laws of 1945, as amended by section 15 of chapter 215 of the Laws of 1947 (section 9998-211, Remington's Revised Statutes, 1947 Supp.) is hereby amended to read as follows:

Disqualifica-
tion for vol-
untary
quitting.

Section 73. *Disqualification for Voluntary Quit.* An individual who has left work voluntarily without good cause shall be disqualified for benefits for a period of five (5) weeks in each of which he has filed a claim for waiting period credit or benefits and was otherwise eligible: *Provided*, That acceptance of subsequent work shall terminate the disqualification.

Amendment.

SEC. 13. Section 74 of chapter 35 of the Laws of 1945, as amended by section 16 of chapter 215 of the Laws of 1947 (section 9998-212, Remington's Revised Statutes, 1947 Supp.) is hereby amended to read as follows:

Disqualifica-
tion for
misconduct.

Section 74. *Disqualification for Unemployment Due to Misconduct.* An individual who has been discharged or suspended for misconduct connected with his work shall be disqualified for benefits for a period of five (5) weeks in each of which he has filed a claim for waiting period credit or benefits and was otherwise eligible: *Provided*, That acceptance of subsequent work shall terminate the disqualification.

Amendment.

SEC. 14. Section 75 of chapter 35 of the Laws of 1945, as amended by section 17 of chapter 215 of the Laws of 1947 (section 9998-213, Remington's Revised Statutes, 1947 Supp.) is hereby amended to read as follows:

Section 75. *Disqualification for Misrepresentation.* An individual shall be disqualified for benefits

for the calendar week with respect to which he has willfully made a false statement or representation or willfully failed to report a material fact to obtain any benefits under the provisions of this act and for the fifty-two next following weeks.

Disqualification for misrepresentation.

SEC. 15. Section 76 of chapter 35 of the Laws of 1945 (section 9998-214, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Amendment.

Section 76. *Disqualification for Refusal to Work.* An individual shall be disqualified for benefits, 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 a period of five (5) weeks in each of which he has filed a claim for waiting period credit or benefits and was otherwise eligible: *Provided*, That acceptance of subsequent work shall terminate the disqualification.

Disqualification for refusal to work.

SEC. 16. Section 80 of chapter 35 of the Laws of 1945 (section 9998-218, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Amendment.

Section 80. *Amount of Benefits.* Subject to the other provisions of this act benefits shall be payable to any eligible individual during the benefit year in accordance with the weekly benefit amount and the maximum benefits potentially payable shown in the following schedule for such base year wages shown in the schedule as are applicable to such individual:

Amount of benefits.

Base Year Wages	Weekly Benefit Amount	Maximum Benefits Potentially Payable
\$000— 599.99	\$00	\$000
600— 699.99	10	150
700— 799.99	11	176
800— 899.99	12	204

Schedule of benefits.

Base Year Wages	Weekly Benefit Amount	Maximum Benefits Potentially Payable
900— 999.99.....	13	234
1000—1099.99.....	14	266
1100—1199.99.....	15	300
1200—1299.99.....	16	336
1300—1399.99.....	17	374
1400—1499.99.....	18	414
1500—1599.99.....	19	456
1600—1699.99.....	20	500
1700—1799.99.....	21	546
1800—1899.99.....	22	572
1900—1999.99.....	23	598
2000—2099.99.....	24	624
2100 and over.....	25	650

Amendment. SEC. 17. Section 81 of chapter 35 of the Laws of 1945 (section 9998-219, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Deductions from weekly benefit amount. Section 81. *Deduction from Weekly Benefit Amount.* If an eligible individual is available for work for less than a full week, he shall be paid his weekly benefit amount reduced by one-seventh of such amount for each day that he is unavailable for work: *Provided,* That if he is unavailable for work for three days or more of a week, he shall be considered unavailable for the entire week.

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 five dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

Amendment. SEC. 18. Section 89 of chapter 35 of the Laws of 1945 (section 9998-227, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Payment of contributions. Section 89. *Payment of Contributions.* Contributions shall accrue and become payable by each employer for each calendar year in which he is subject

to this act at the rate of two and seven-tenths per centum of wages paid.

Contributions shall become due and be paid by each employer to the Treasurer for the Unemployment Compensation Fund in accordance with such regulations as the Commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

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 one cent.

SEC. 19. Section 91 of chapter 35 of the Laws of 1945 (section 9998-229, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows: Amendment.

Section 91. *Contributions Erroneously Paid to the United States Government or to Another State.* Payments of contributions erroneously paid to an unemployment compensation fund of another state or to the United States government which should have been paid to this state and which thereafter shall be refunded by such other state or the United States government and paid by the employer to this state, shall be deemed to have been paid to this state at the date of payment to the United States government or such other state. Erroneous payments to United States or another state.

SEC. 20. Section 98 of chapter 35 of the Laws of 1945 (section 9998-236, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows: Amendment.

Section 98. *Distrain Procedure.* The Commissioner, upon making a distraint, shall seize the property and shall make an inventory of the property distrained, a copy of which shall be mailed to the owner of such property or personally delivered to Distrain procedure.

Distrain
procedure.

him, and shall specify the time and place when said property shall be sold. A notice specifying the property to be sold and the time and place of sale shall be posted in at least two public places in the county wherein the seizure has been made. The time of sale shall be not less than ten nor more than twenty days from the date of posting of such notices. Said sale may be adjourned from time to time at the discretion of the Commissioner, but not for a time to exceed in all sixty days. Said sale shall be conducted by the Commissioner or his authorized representative who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the Commissioner or his representative may declare such property to be purchased by the Employment Security Department for such minimum price. In such event the delinquent account shall be credited with the amount for which the property has been sold. Property acquired by the Employment Security Department as herein prescribed may be sold by the Commissioner or his representative at public or private sale, and the amount realized shall be placed in the Unemployment Compensation Trust Fund.

In all cases of sale, as aforesaid, the Commissioner shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be *prima facie* evidence of the right of the Commissioner to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the delinquent employer in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the Employment Security Department, shall be first ap-

plied by the Commissioner in satisfaction of the delinquent account, and out of any sum received in excess of the amount of delinquent contributions and interest the administration fund shall be reimbursed for the costs of distraint and sale. Any excess which shall thereafter remain in the hands of the Commissioner shall be refunded to the delinquent employer. Sums so refundable to a delinquent employer may be subject to seizure or distraint in the hands of the Commissioner by any other taxing authority of the state or its political subdivisions.

SEC. 21. Section 101 of chapter 35 of the Laws of 1945 (section 9998-239, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows: Amendment.

Section 101. *Contractor's and Principal's Liability for Contributions.* No employing unit which contracts with or has under it any contractor or subcontractor who is an employee under the provisions of this act shall make any payment to such contractor or sub-contractor for any indebtedness due until after the contractor or sub-contractor has paid, or has furnished a good and sufficient bond acceptable to the Commissioner for payment of contributions, including interest, due or to become due in respect to personal services which have been performed by individuals for such contractor or sub-contractor. Failure to comply with the provisions of this section shall render said employing unit directly liable for such contributions and interest and the Commissioner shall have all of the remedies of collection against said employing unit under the provisions of this act as though the services in question were performed directly for said employing unit. Contractor's and principal's liability for contributions.

SEC. 22. Sections 111, 112, 113, 114, 115 and 116 of chapter 35 of the Laws of 1945, as amended by chapter 215 of the Laws of 1947 (sections 9998-248, -249, Repealing clause.

-250, -251, -252 and -253, Remington's Revised Statutes, 1947 Supp.) are hereby repealed.

Amendment.

SEC. 23. Section 119 of chapter 35 of the Laws of 1945 (section 9998-257, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows:

Appeal from order and notice of assessment.

Section 119. *Appeal from Order and Notice of Assessment.* When an order and notice of assessment has been served upon or mailed to a delinquent employer, as heretofore provided, such employer may within ten days thereafter file a petition in writing with the appeal tribunal, stating that such assessment is unjust or incorrect and requesting a hearing thereon. Such petition shall set forth the reasons why the assessment is objected to and the amount of contributions, if any, which said employer admits to be due the Employment Security Department. If no such petition be filed with the appeal tribunal within said ten days, said assessment shall be conclusively deemed to be just and correct: *Provided*, That in such cases, and in cases where payment of contributions or interest has been made pursuant to a jeopardy assessment, the Commissioner may properly entertain a subsequent application for refund. The filing of a petition on a disputed assessment with the appeal tribunal shall stay the distraint and sale proceeding provided for in this act until a final decision thereon shall have been made, but the filing of such petition shall not affect the right of the Commissioner to perfect a lien, as provided by this act, upon the property of the employer.

Within ten days after notice of denial of refund or adjustment has been mailed or delivered (whichever is the earlier) to an employer, the employer may file a petition in writing with the appeal tribunal for a hearing thereon: *Provided*, That this right shall not apply in those cases in which assess-

ments have been appealed from and have become final. The petitioner shall set forth the reasons why such hearing should be granted and the amount which the petitioner believes should be adjusted or refunded. If no such petition be filed within said ten days, the determination of the Commissioner as stated in said notice shall be final.

SEC. 24. Section 121 of chapter 35 of the Laws of 1945 (section 9998-259, Remington's Revised Statutes, 1945 Supp.) is hereby amended to read as follows: Amendment.

Section 121. *Contributions Appeals Procedure.* Contributions appeals procedure.
 In any proceeding before an appeal tribunal involving an appeal from a disputed order and notice of assessment (for contributions or interest due) a disputed denial of refund or adjustment (of contributions or interest paid) or a disputed experience rating credit, the appeal tribunal, after affording the parties a reasonable opportunity for hearing, shall affirm, modify or set aside the notice of assessment, denial of refund or experience rating credit. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor which shall be deemed to be the final decision on the order and notice of assessment, denial of refund or experience rating credit, as the case may be, unless within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this act relating to review by the Commissioner.

SEC. 25. An emergency exists and this act is necessary for the preservation of the public peace, health, safety, and welfare and shall take effect immediately: *Provided, however,* That the provisions Emergency clause.
Proviso.

of sections 9 and 16 of this act shall not become effective until the 1st day of July, 1949.

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 215.

[H. B. 249.]

DIVORCE ACT.

AN ACT relating to the dissolution of marriage by divorce or annulment, separate maintenance, the custody of children, division of property, allowances for support, prescribing procedure and duties of prosecuting attorneys in connection therewith and repealing certain prior inconsistent statutes.

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

Title of act.	SECTION 1. This act may be cited as the Divorce Act of 1949.
Grounds for divorce.	SEC. 2. Divorce may be granted by the Superior Court on application of the party injured for the following reasons:
Consent.	(1) When the consent to the marriage of the party applying for the divorce was obtained by force or fraud, and there has been no voluntary cohabitation after the discovery of the fraud, or when either party shall be incapable of consenting thereto, for want of legal age or a sufficient understanding.
Adultery.	(2) For adultery on the part of the wife or of the husband, when unforgiven, and the application is made within one year after it shall have come to the knowledge of the party applying for a divorce.
Impotency.	(3) Impotency.
Abandonment.	(4) Abandonment for one year.
Cruelty and personal indignities.	(5) Cruel treatment of either party by the other, or personal indignities rendering life burdensome.
Habitual drunkenness.	(6) Habitual drunkenness of either party.

(7) The neglect or refusal of the husband to make suitable provision for his family. Neglect of husband.

(8) Imprisonment in a state or Federal penal institution if complaint is filed during the term of such imprisonment. Imprisonment.

(9) A divorce may be granted to either or both parties in all cases where they have heretofore lived or shall hereafter live separate and apart for a period of five consecutive years or more, without regard to fault in the separation. Separation for five years.

(10) In all cases where the defendant, at the time of commencement of the action, is suffering from chronic mania or dementia, established by competent medical testimony to have existed for at least two years prior to the filing of the complaint, such insanity shall be the sole and exclusive ground upon which the Court may, in its discretion, grant a divorce. Insanity.

SEC. 3. Any person who has been a resident of the state for one year may file his or her complaint for a divorce under oath, in the Superior Court of the county here he or she may reside. Residence requirement.

SEC. 4. No divorce case shall be tried, nor any decree of divorce entered herein, until the complaint in such action shall have been on file for ninety days, and until ninety days shall have elapsed from the date of service of summons on the defendant: *Provided, however,* That in cases where summons by publication is had, the date of first publication of summons shall be equivalent to the date of service of summons in other cases for the purposes of this section. Ninety days must elapse after filing of complaint and service of summons.

Summons by publication.

SEC. 5. In the case of a void marriage, either party may apply for, and on proof obtain, a decree of nullity of marriage. Such complaint shall be filed in the county in which plaintiff is a *bona fide* resident at the time of commencing such action. Annulment of void marriages.

Children born during existence of marriage later declared void.

SEC. 6. Children conceived or born during the existence of a marriage of record which is later declared void, shall be legitimate children of both parents, entitled to all the rights of legitimate children as to inheritance and in every other respect, notwithstanding the annulment of such marriage, and the Court shall, during the pendency of such action, or at the time judgment is rendered, or at any time thereafter, make such order for the custody, care, maintenance, education and support of such children during their minority as may seem necessary and proper. Such orders as to children shall be subject to modification as in actions for divorce.

Violation of criminal laws relating to non-support by party to divorce action.

SEC. 7. When, in the opinion of the Judge, the previous or present conduct of either of the parties to a divorce action shows a probable violation of any of the criminal laws of the state relative to non-support, he may, in his discretion, refuse to grant an order of divorce until the suspected party is prosecuted and finally found guilty or innocent.

Copy of complaint to be served on Prosecuting Attorney.

SEC. 8. Each party to any divorce or annulment action shall serve the Prosecuting Attorney of the county in which the action is commenced with copies of the summons and complaint and such other papers as may be required by Court rule at the time the same are filed in the County Clerk's office. It shall be the duty of the Prosecuting Attorney to appear upon the trial of every default or non-contested divorce or annulment case, and in such other divorce cases as the presiding Judge may direct, as a party to said action and to advise the Court, and to that end he shall have power to cause witnesses to be subpoenaed to testify at the trial, respecting any charges made in the complaint or answer or the performance or neglect of any duty by either, or upon any vital matter touching the status of the parties, and the witness fees of such witnesses called

Duties of Prosecuting Attorney.

by the Prosecuting Attorney shall be charged to the county. The Prosecuting Attorney shall have the same right to appeal as other parties to the action. Neither the Prosecuting Attorney nor his deputy nor the law partner of either shall accept employment in any divorce case in his county or receive any fee or compensation from either party in any such divorce action.

Prosecuting Attorney may appeal.

Prosecuting Attorney may not handle divorce cases.

SEC. 9. Pending an action for divorce or annulment the Court may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as the Court may deem right and proper, and such orders relative to the expenses of such action, including attorneys' fees, as will insure to the wife an efficient preparation of her case and a fair and impartial trial thereof. Upon the entry of judgment in the Superior Court, reasonable attorneys' fees may be awarded either party, in addition to statutory costs. Upon any appeal, the Supreme Court may in its discretion award reasonable attorneys' fees to either party for services on the appeal, in addition to statutory costs.

Disposition of persons, property and children pending action for divorce or annulment.

Attorneys' fees and costs.

SEC. 10. When the defendant does not answer, or answering, admits the allegations of the complaint, the Court shall require proof before granting a divorce or a decree of nullity.

Failure to answer or admission of allegations by defendant.

SEC. 11. In all cases where the Court shall grant a divorce or annulment, it shall be for cause distinctly stated in the complaint, proved, and found by the Court. Upon the conclusion of a divorce or annulment trial, the Court must make and enter findings of fact and conclusions of law. If the Court determines that either party, or both, is entitled to a divorce or annulment, judgment shall be entered accordingly, granting the party in whose favor the Court decides a decree of full and complete divorce or annulment, and making such disposition of the

Powers and duties of court in divorce and annulments.

Disposition of property.

property of the parties, either community or separate, as shall appear just and equitable, having regard to the respective merits of the parties, to the condition in which they will be left by such divorce or annulment, to the party through whom the property was acquired, and to the burdens imposed upon it for the benefit of the children, and shall make provision for costs, and for the custody, support and education of the minor children of such marriage.

Support of minors.

Such decree as to alimony and the care, custody, support and education of children may be modified, altered and revised by the Court from time to time as circumstances may require. Such decree, however, as to the dissolution of the marital relation and to the custody, management and division of property shall be final and conclusive upon both parties subject only to the right to appeal as in civil cases, and provided that the Trial Court shall at all times including the pendency of any appeal, have the power to grant any and all restraining orders that may be necessary to protect the parties and secure justice.

Modification, alteration and revision of decrees.

Restraining orders pending appeal.

Decree of separate maintenance.

SEC. 12. If the Court determines after trial that no divorce or annulment shall be granted, it may enter a decree of separate maintenance in favor of the party entitled thereto, and make all necessary orders required for support, attorneys' fees, costs, and for the care, custody, support, and education of minor children; and may set aside property for the benefit of the wife and children, if any, and impose a lien on community property to compel obedience to the decree. Such decree may be modified, altered or revised by the Court from time to time on a showing that the conditions rendering it necessary have changed or no longer exist. Such final order or decree of separate maintenance shall be appealable.

Modification, alteration, or revision of decree.

SEC. 13. In all actions for a divorce or annulment, the Court may, for just and reasonable cause,

change the name of the woman, who shall thereafter be known and called by such name as the Court shall in its order or decree appoint.

Court may change name of woman.

SEC. 14. The practice in civil action shall govern all proceedings in the trial of actions for divorce or annulment, except that trial by jury is dispensed with.

Practice in civil actions to govern proceedings.

SEC. 15. The defendant may, in addition to his or her answer, file a cross-complaint for divorce or annulment and the Court may, in such cases, grant a divorce or annulment, if any, in favor of either party, or as if it were on the application of both.

Cross-complaints.

SEC. 16. Hereafter every action or proceeding to change, modify or enforce any final order, judgment or decree heretofore or hereafter entered in any divorce or annulment action in relation to the care, custody, control, support or maintenance of the minor children of the marriage may be brought in the county where said minor children are then residing, or in the county where the parent or other person who has the care, custody or control of the said children is then residing.

Care, custody, support, etc., of minor children.

SEC. 17. Upon the filing of a properly verified petition to be entitled as in the original divorce or annulment action, together with a certified copy of the order, judgment or decree sought to be modified thereby, the Superior Court of the county in which said petition is filed shall have full and complete jurisdiction of the cause and shall thereupon order such notice of the hearing of said petition to be given as the Court shall determine.

Jurisdiction of Court to modify orders, judgments or decrees.

Notice of hearing of petition.

SEC. 18. The Court shall have power to cause either party to said action or proceeding to file certified copies of so much or all of the records and files in the original divorce action or proceeding as the Court shall deem necessary or proper; and to

Copies of records for hearing of petition.

make and enter all necessary or proper orders for a full hearing and determination of said petition.

Attorneys' fees.

SEC. 19. In any proceeding for the enforcement or modification of any order *pendente lite*, decree of divorce, separate maintenance or annulment, or any order entered subsequent to the entry of such decree, the Court, may, in its discretion, award attorneys' fees and costs to either party.

Effect of domicile on foreign divorce.

SEC. 20. A divorce obtained in another jurisdiction shall be of no force or effect in this state if both parties to the marriage were domiciled in this state at the time the proceeding for divorce was commenced.

Evidence of domicile in this state affecting foreign divorce.

SEC. 21. Proof that a person obtaining a divorce from the bonds of matrimony in another jurisdiction was (a) domiciled in this state within twelve months prior to the commencement of the proceeding therefor, and resumed residence in this state within eighteen months after the date of his departure therefrom, or (b) at all times after his departure from this state and until his return maintained a place of residence within this state, shall be *prima facie* evidence that the person was domiciled in this state when the divorce proceeding was commenced.

Interlocutory decrees entered prior to effective date of act.

SEC. 22. Actions for divorce in which an interlocutory order has been entered prior to the taking effect of this act shall be governed by the law applicable thereto at the time of commencement of such action. All other actions for divorce or annulment shall be governed by this act.

Repealing clause.

SEC. 23. The following laws and parts of laws, together with all laws and parts of laws in conflict herewith are hereby repealed: sections 1 to 10, both inclusive, pp. 405 to 407, Laws of 1854, 1st Sess., relating to divorces; sections 1 to 13, both inclusive, pp. 318 to 320, Laws of 1860, relating to divorce and alimony; sections 2000 to 2013, both inclusive, Code

of 1881; sections 1 and 2, p. 120, Laws of 1885, relating to divorces; sections 10 and 11, p. 62, Laws of 1885, relating to prosecuting attorneys; sections 10 and 11, p. 94, Laws of 1879, relating to prosecuting attorneys; chapter XXVI, Laws of 1891; chapter 109, Laws of 1921; chapter 112, Laws of 1933; chapter 170, Laws of 1943; and chapter 161, Laws of 1947.

Repealing
clause

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 216.

[H. B. 305.]

FOREST PRODUCTS—LOG BRANDS.

AN ACT relating to forest products; regulating the use of brands thereon; providing for the renewal, abandonment and cancellation of registered brand, and amending chapter 154, Laws Ex. Sess. 1925, by adding a new section thereto to be known as section 17.

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

SECTION 1. Chapter 154, Laws Ex. Sess. 1925, is amended by adding a new section thereto to be known as section 17, to read as follows:

Amendment.

Section 17. The Secretary of State shall on or before September 30, 1949, and each five (5)-year period thereafter, notify by registered letter the owner or owners of all log marks or brands then of record in the State of Washington, to renew the same. A fee of five dollars (\$5) shall be charged for new brands or marks, assignment of brands or marks and renewing marks or brands. Upon receipt of said fee, the Secretary of State shall give a renewal certificate, which shall give the holder and owner thereof the exclusive right to continue the use of said mark or brand within the State of Washington. If any owner or owners of a mark or brand

Renewal of
log marks
and brands.

Fee.

Renewal
certificate.

Forfeiture
for failure
to renew.

which is on record shall fail or refuse to pay such renewing fee within three (3) months after the notification as herein provided, such brand shall become forfeited and no longer be carried on said records.

Failure to
renew
deemed to
be an aban-
donment.

On and after January 1, 1950, no person, firm, association or corporation shall claim or own any log mark or brand which has not been renewed in accordance with the provisions of this section, and any failure to renew the log mark or brand as required by such provisions shall be deemed the abandonment of the same, and any other person, firm, association or corporation shall be at liberty to adopt or use such mark or brand so abandoned: *Provided, however,* That no person, firm, association or corporation shall be at liberty to claim or use such abandoned mark or brand until after the same shall have been recorded in his or its own name, in the manner provided in this act: *Provided, however,* That no abandoned or cancelled brand may be re-issued for a period of one (1) year after such abandonment or cancellation, except to the previous owner or his assignee: *Provided further,* That in case of a dispute as to the right of any person, firm, association or corporation to the use of such mark or brand, the Secretary of State shall determine which of said applicants is entitled to the use thereof.

Others may
adopt aban-
doned mark
or brand.

Re-issuance
of abandoned
brand.

Disputes as
to use of
brands.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 217.

[H. B. 391.]

LIENS FOR LABOR AND MATERIAL.

AN ACT relating to liens for labor and material and amending sections 5 and 6, chapter XXIV (24), Laws of 1893 (secs. 1134 and 1135, Rem. Rev. Stat.).

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

SECTION 1. Section 5, chapter XXIV (24), Laws of 1893 (sec. 1134, Rem. Rev. Stat.), is amended to read as follows: Amendment.

Section 5a. No lien created by this act shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date of the cessation of the performance of such labor or of the furnishing of such materials, a claim for such lien shall be filed for record as hereinafter provided, in the office of the County Auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, or furnishing the material, the name of the person who performed the labor, or furnished the material, the name of the person by whom the laborer was employed (if known) or to whom the material was furnished, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, and if not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the claim to be just; in case the claim shall have been assigned the name of the assignee shall be stated; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the Court, Time of filing lien.

Contents of claim.

as pleadings may be, in so far as the interests of third parties shall not be affected by such amendment. A claim for lien substantially in the following form shall be sufficient:

Form of claim for lien.

....., claimant, vs.....
Notice is hereby given that on theday (date of commencement of performing labor or furnishing material)..... at the request ofcommenced to perform labor (or to furnish material to be used) upon..... (here describe property subject to the lien) of which property the owner, or reputed owner, is (or if the owner or reputed owner is not known, insert the word "unknown"), the performance of which labor (or the furnishing of which material) ceased on the day of; that said labor performed (or material furnished) was of the value of dollars, for which labor (or material) the undersigned claims a lien upon the property herein described for the sum of dollars. (In case the claim has been assigned, add the words "and is assignee of said claim," or claims, if several are united.)

....., Claimant.
STATE OF WASHINGTON, COUNTY OF, ss.
....., being sworn, says: I am the claimant (or attorney of the claimant) above named; I have heard the foregoing claim read and know the contents thereof, and believe the same to be just.

Subscribed and sworn to before me this day of

Joinder of claimants.

Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated: *Provided*, It shall not be necessary to insert in the notice of claim of lien provided for by this act any

itemized statement or bill of particulars of such claim.

Section 5b. Owner may record a notice to lien claimants. The owner may within ten (10) days after there has been a cessation of the performance of such labor or the furnishing of such materials thereon for a period of thirty (30) days, file for record in the office of the County Auditor, in the county where the property is situated, a notice setting forth the date on which cessation of the performance of such labor or the furnishing of such materials occurred together with his name, address and the nature of his title, a legal description of the property and a statement that a copy of this notice was delivered or mailed to the general contractor, if any. The notice must be verified by the owner or by some person in his behalf. Where the ownership of the property is in several persons any one or more of the several owners may execute and file such notice, but the notice must state the names, addresses and nature of title of all of such owners. Such notice shall be conclusive evidence of the cessation of the performance of such labor or the furnishing of such materials on or before the date of cessation as stated in said notice, unless controverted by claimant's claim of lien which must be recorded within sixty (60) days from the date of recording of such notice by the owner. This provision shall not extend the time for filing lien claims as provided by section 5a.

Notice to lien claimants.

Time of filing for record.

Contents of notice.

Ownership of property in two or more persons.

Notice is conclusive evidence of cessation of performance.

Section 5c. Where such labor is performed or such materials are furnished in the construction of two (2) or more separate residential units the time for filing claims of lien against each separate residential unit shall commence to run upon the cessation of the performance of such labor or the furnishing of such materials on each such residential unit as provided in this act. A separate residential unit is

Time of filing claim when two or more separate residential units.

"Residential unit" defined.

defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto.

Amendment.

SEC. 2. Section 6, chapter XXIV (24), Laws of 1893 (sec. 1135, Rem. Rev. Stat.), is amended to read as follows:

Duties of County Auditor.

Section 6. The County Auditor must record the claims and notices mentioned in this act in a book to be kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed.

Passed the House March 3, 1949.

Passed the Senate March 9, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 218.

[H. B. 651.]

INHERITANCE TAX.

AN ACT relating to revenue and taxation; relating to inheritance taxation, amending section 1, chapter 55, Laws of 1901, as last amended by section 1, chapter 184, Laws of 1945.

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

Amendment.

SECTION 1. Section 1, chapter 55, Laws of 1901, as last amended by section 1, chapter 184, Laws of 1945, is amended to read as follows:

Property inherited subject to tax.

Section 1. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other state or by deed, grant, sale, contract or gift made in contemplation of the death of the grantor, or donor, or by deed, grant or sale, contract or gift made or intended to take effect in possession or in

enjoyment after death of the grantor, or donor, to any person in trust or otherwise, or by a transfer in trust or otherwise, under which the grantor or donor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom shall, for the use of the state, be subject to a tax measured by the full value of the entire property as provided for in section 2, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisement made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed one thousand dollars (\$1,000), and no other sum, but said debts shall not be deducted unless the same are allowed or established within the time provided by law, and all administrators, executors, and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with interest as hereinafter provided until the same shall have been paid, and whenever property, real or personal, other than real property held by the entirety, is held in the joint name of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving joint tenants,

Debts and taxes deducted.

Executors', appraisers' and attorneys' fees deducted.

Estates payable to survivor.

person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or tenants, person or persons by such deceased joint tenant or joint depositor by will, excepting therefrom such parts thereof as may be shown to have originally belonged to such surviving joint tenant, joint depositor or person, and never to have been acquired from the decedent for less than a fair consideration in money or money's worth, and if said property shall have been acquired from decedent for less than such fair consideration, there shall be excepted from the value of said property a portion equal to the amount of the consideration so furnished.

Property acquired for less than full value.

Lien.

Unless the tax is sooner paid in full, it shall be a lien upon the gross estate of the decedent for ten (10) years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any Court having jurisdiction thereof, shall be divested of such lien. If the Tax Commission is satisfied that the tax liability of an estate has been fully discharged or provided for, it may, under regulations prescribed by it, issue its certificate, releasing any or all property of such estate from the lien herein imposed. The limitation period shall in each case be extended for a period of time equal to the period of pendency of litigation of questions affecting the determination of the amount of tax due, provided a lis pendens has been filed with the County Auditor.

Lien transferred to proceeds upon sale of part of estate.

Any part of the gross estate as is sold, pursuant to an order of the Court for the payment of charges against the estate and the expenses of its administra-

tion, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of Court for payment of charges against the estate and expenses of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds.

If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact and before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an

Transfer by
decedent.

Insurance.

Lien divested
upon bona
fide sale.

adequate and full consideration in money or money's worth.

Passed the House March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 219.

[H. B. 466.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance; providing compensation and remedies of workmen hereafter injured in extra-hazardous employment, and of their dependents, minor children and beneficiaries in case of death; creating the Board of Industrial Insurance Appeals; defining its functions; providing for appeals and review in certain cases; amending section 5, chapter 74, Laws of 1911, as last amended by section 1, chapter 246, Laws of 1947, and section 20, chapter 74, Laws of 1911, as last amended by section 1, chapter 280, Laws of 1943, and making an appropriation.

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

Amendment. SECTION 1. Section 5, chapter 74, Laws of 1911, as last amended by section 1, chapter 246, Laws of 1947, is amended to read as follows:

Compensation to be received according to schedule. SECTION 5. Each workman who shall hereafter be injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

COMPENSATION SCHEDULE.

Compensation schedule. (a) Where death results from the injury the expenses of burial not to exceed two hundred dollars (\$200) shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the de-

Burial expenses.

Payment to undertaker.

ceased left a widow or an orphan child or children unless the undertaker shall make and file with the Department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

(1) If the workman leaves a widow or invalid widower, a monthly payment of seventy-five dollars (\$75) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur, and the surviving spouse shall also receive per month for each child of the deceased under the age of eighteen years at the time any monthly payment is due the following payments: For the youngest or only child twenty dollars (\$20), for the next or second youngest child fifteen [dollars] (\$15), and for each additional child ten dollars (\$10), but the total monthly payments shall not exceed one hundred forty dollars (\$140) and any deficit shall be deducted proportionately among the beneficiaries: *Provided*, That in addition to the monthly payments above provided for, a surviving widow, or parent or parents, if there is no surviving widow of any such deceased workman, shall be forthwith paid the sum of three hundred dollars (\$300).

Surviving spouse and children.

Parents.

Lump sum payment on death.

Upon remarriage of a widow she shall receive once and for all, a lump sum of one thousand dollars (\$1,000), but the monthly payments for the child or children shall continue as before.

Remarriage of widow.

(2) If the workman leave no wife or husband, but an orphan child or children under the age of eighteen years, a monthly payment of thirty-five dollars (\$35) shall be made to each such child until such child shall reach the age of eighteen years, but the total monthly payment shall not exceed one hundred forty dollars (\$140) and any deficit shall be deducted proportionately among the beneficiaries.

Payments to orphan children.

Other dependents.

(3) If the workman leaves no widow, widower or child under the age of eighteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed fifty dollars (\$50) per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased, if the injury had not happened.

Maximum amount.

Minor and unmarried decedent.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty-five dollars (\$25) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Minor children on death of surviving spouse.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of eighteen years, such child or children shall receive each the sum of thirty-five dollars (\$35) per month until arriving at the age of eighteen years, but the total monthly payment shall not exceed one hundred forty dollars (\$140) and any deficit shall be deducted proportionately among the beneficiaries.

Permanent total disability defined.

(b) Permanent total disability means loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability: (1) If unmarried at the time of the injury, the sum of seventy-five dollars (\$75). Rate of payments.

(2) If the workman have a wife or invalid husband, but no child under the age of eighteen years, the sum of one hundred dollars (\$100). Wife or invalid husband.

If the husband is not an invalid the monthly payment of one hundred dollars (\$100) shall be reduced to fifty dollars (\$50) as long as they are living together as husband and wife. Husband not an invalid.

(3) If the workman have a wife or husband and a child or children under the age of eighteen years, or being a widow or widower, having any such child or children, the monthly payment in the preceding paragraph shall be increased by twenty dollars (\$20) for the youngest or only child, fifteen dollars (\$15) for the next or second youngest child, and ten dollars (\$10) for each additional child under the age of eighteen years, but the total monthly payments shall not exceed one hundred sixty-five dollars (\$165) and any deficit shall be deducted proportionately among the beneficiaries. Spouse and children.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased forty-five dollars (\$45) per month as long as such requirement shall continue, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of this code. Attendants' services.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of eighteen years, the surviving widow Death of workman during disability.

or invalid widower shall receive seventy-five dollars (\$75) per month until death or remarriage, to be increased per month for each child of the deceased under the age of eighteen years at the time any monthly payment is due, as follows: For the youngest or only child twenty dollars (\$20), for the next or second youngest child fifteen dollars (\$15), and for each additional child ten dollars (\$10): *Provided*, That the total monthly payments shall not exceed one hundred forty dollars (\$140) and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive thirty-five dollars (\$35) per month until arriving at the age of eighteen years, but the total monthly payment to such children shall not exceed one hundred forty dollars (\$140), and any deficit shall be deducted proportionately among such children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Maximum amount.

Remarriage.

Children in care of institution or persons other than parents.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act. If an injured workman, or the surviving spouse of an injured workman shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

Temporary total disability.

(d) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue.

Rates of payment.

(2) but if the injured workman have a wife or husband and have no child or have a wife or husband, or being a widow or widower, with one or more children under the age of eighteen years, the

compensation for the case during such period of time as the total temporary disability shall continue, shall be per month as follows, to-wit: (a) Injured workman whose husband is not an invalid, fifty dollars (\$50), and for the youngest or only child, ten dollars (\$10), and for each additional child, seven dollars and fifty cents (\$7.50), but the total monthly payments shall not exceed ninety dollars (\$90) and any deficit shall be deducted proportionately among the beneficiaries; (b) injured workman with wife or invalid husband and no child, ninety dollars (\$90); injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, one hundred ten dollars (\$110); (c) injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, one hundred twenty-five dollars (\$125), and ten dollars (\$10), for each additional child, but the total monthly payments shall not exceed one hundred fifty-five dollars (\$155) and any deficit shall be deducted proportionately among the beneficiaries.

Should a workman suffer a temporary total disability, and should his employer, at the time of his injury, continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (d) subdivision (1) from the accident fund during the period his employer shall so pay such wages.

Continued
payment
of wages.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportions which the new earning power shall bear to the old. No compensation shall be payable

Recovery or
restoration
of earning
power.

Partial
restoration.

Loss must exceed five per cent.

out of the Accident Fund unless the loss of earning power shall exceed five per cent.

Restriction on payments to children.

No payment shall be made to or for a natural child of a deceased workman, and at the same time, as the step-child of a deceased workman.

Reserve fund created.

(e) There is hereby created, in the office of the State Treasurer a fund to be known and designated as the Reserve Fund out of which shall be made the payments specified in this section for all cases of death or permanent total disability including future payments to be made for the cases of that character which have heretofore arisen. Into the Reserve Fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the Department to make transfer on their books from the Accident Fund of the proper class to the Reserve Fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the State Insurance Commissioner and by him furnished to the State Treasurer, calculated upon standard mortality tables with an interest assumption of three (3) per cent per annum.

Transfers from accident fund to reserve fund.

Computation table for annuities.

Investment of reserve fund.

The Department shall notify the State Treasurer from time to time of such transfers as a whole and the State Treasurer shall invest the reserve in either State Capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the Reserve Fund shall become a part of the Reserve Fund itself. The Department shall, on October 1st of each year, apportion the in-

Apportionment of earnings.

terest or other earnings of the Reserve Fund as certified to it by the State Treasurer, to the various class Reserve Funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year, beginning in the year 1927, the State Insurance Commissioner shall expert (examine) the Reserve Fund of each class to ascertain its standing as of October 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the Department and to the State Treasurer in writing not later than December 31st, following. If the report shows that there was on said October 1st, in the Reserve Fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the Accident Fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the Accident Fund of that class. The State Treasurer shall keep accurate accounts of the Reserve Fund and the investment and earnings thereof, to the end that the total Reserve Funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the Reserve Fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

Examination
by Insurance
Commis-
sioner.

Surplus.

Temporary
loans to meet
current
demands on
funds.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically de-

Permanent
partial
disability
defined.

Schedule.

scribed, the injured workman shall receive compensation as follows:

Loss by amputation.

LOSS BY AMPUTATION.

Of one leg so near the hip that an artificial limb cannot be worn	\$5,000
Of one leg at or above the knee so that an artificial limb can be worn.....	\$3,425
Of one leg below the knee.....	\$2,350
Of great toe with metatarsal bone thereof.....	\$725
Of great toe at the proximal joint.....	\$450
Of great toe at the second joint.....	\$165
Of one other toe other than the great toe with metatarsal bone thereof	\$250
Of second toe at proximal joint.....	\$115
Of third toe at proximal joint.....	\$115
Of fourth toe at proximal joint.....	\$115
Of fifth toe at proximal joint.....	\$50
Of one metatarsal bone on toe other than great toe....	\$125
Of one arm so near the shoulder that an artificial arm cannot be worn.....	\$4,500
Of the major arm at or above the elbow.....	\$3,750
Of forearm at upper third.....	\$3,250
Of the major hand at wrist.....	\$2,900
Of thumb with metacarpal bone thereof.....	\$1,100
Of thumb at proximal joint.....	\$725
Of thumb at second joint.....	\$270
Of index or first finger at proximal joint.....	\$590
Of index or first finger at second joint.....	\$500
Of index or first finger at distal joint.....	\$225
Of middle or second finger at proximal joint.....	\$450
Of middle or second finger at second joint.....	\$375
Of middle or second finger at distal joint.....	\$125
Of ring or third finger at proximal joint.....	\$410
Of ring or third finger at second joint.....	\$315
Of ring or third finger at distal joint.....	\$125
Of little or fourth finger at proximal joint.....	\$160
Of little or fourth finger at second joint.....	\$115
Of little or fourth finger at distal joint.....	\$50
Of metacarpal bone in finger except thumb.....	\$115

Miscellaneous.

MISCELLANEOUS.

Loss of one eye by enucleation.....	\$2,160
Loss of sight of one eye.....	\$1,620
Complete loss of hearing in both ears.....	\$3,420
Complete loss of hearing in one ear.....	\$950
Complete broken arch in foot.....	\$950

Compensation for any other permanent partial disability shall be in the proportion which the ex-

tent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of five thousand dollars (\$5,000): *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of five thousand dollars (\$5,000). For disability to a member not involving amputation, not more than three-fourths ($\frac{3}{4}$) of the foregoing respective specified sums shall be paid: *Provided further*, That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five (95) per centum of the amounts hereinbefore enumerated: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

Other permanent partial disability.

Maximum amounts.

Permanent partial disability followed by permanent total disability.

If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded to the minor workman.

Injured workman under twenty-one years and unmarried.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries and his past receipt of money under this act.

Further accidents to injured workman.

Should a workman receive an injury to a member or part of his body already from whatever cause

Injury to part of body already disabled.

permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Further accident resulting in permanent total disability.

Should any further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

Aggravation, diminution, or termination of disability.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the Director of Labor and Industries, through and by means of the Division of Industrial Insurance, may, upon the application of the beneficiary, made within five years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have five (5) years from the taking effect of this act within which to apply for such readjustment.

Readjustment.

Five year limitation.

Act done prior to written order not grounds for readjustment.

No act done or ordered to be done by the Director of Labor and Industries, or the Department of Industrial Insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment: *Provided, however*, That if within the time limited for taking an appeal from an order closing a claim, the Department shall order the submission of further evidence

or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the Department in the matter.

Time of appeal extended.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her support or maintenance, shall be deemed living in a state of abandonment.

Beneficiary restrictions by abandonment or separation.

(j) If a beneficiary shall reside or remove out of the state the Department may, in its discretion, with the written consent of the beneficiary, convert any monthly payments provided for such cases into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the State Insurance Commissioner, but in no case to exceed the sum of five thousand dollars (\$5,000).

Lump sum settlements for non-resident beneficiaries.

(k) No workman injured after June 30th, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

Beginning of payments.

(l) If it be determined by the Department of Labor and Industries that an injured workman had, at the time of his injury, a pre-existing disease and that such disease delays or prevents complete recovery from such injury the said Department shall ascertain as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and/or the extent of permanent partial disability which the injury would have caused were it not for the disease, and award compensation only therefor.

Pre-existing diseases affecting recovery.

Board of Industrial Insurance Appeals.

Members of Boards.

Chairman.

Labor's representative.

Employer's representative.

Terms of office.

Members may be reappointed.

Vacancies.

Compensation of members.

SEC. 2. There is hereby created a "Board of Industrial Insurance Appeals," hereinafter called the "Board," to consist of three (3) members to be appointed by the Governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three (3) active members of the Washington State Bar Association, submitted to the Governor by the two organizations defined below, and such member when appointed shall be the chairman of said Board. The second member shall be a representative of the majority of the workmen engaged in extra-hazardous employment and shall be selected from a list of not less than three (3) names submitted to the Governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers engaged in extra-hazardous industry, and be appointed from a list of at least three (3) names submitted to the Governor by a recognized state-wide organization of employers, representing a majority of employers who have been substantial contributors to the Industrial Insurance and Accident Fund. The terms of office of the members of the Board shall be for six (6), four (4) and two (2) years respectively. Thereafter all terms shall be for a period of six (6) years. Each member of the Board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy in the Board, the Governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments shall be made in conformity with the foregoing plan for the personnel and selection of the Board. Members shall devote their entire time to the duties of the Board and shall receive for their services a salary which shall be in addition to reasonable travel allowance as follows: The chairman

shall receive the same salary as that provided for Superior Court Judges in Class A counties; the two remaining members shall each receive the same salary less the sum of five hundred dollars (\$500) per annum. Headquarters for the Board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Salary of chairman.

Salaries of other members.

Seal.

SEC. 3. The Board is authorized and shall have power to make rules and regulations concerning its functions and procedure, which rules and regulations shall have the force and effect of law until altered, repealed or set aside by action of the Board: *Provided, however,* That the Board by no such rule or regulation may delegate its duty of final decision on any appeal case or interpretation of any part of the testimony in any appeal case to any other person. All rules and regulations adopted by the Board shall be printed and copies thereof shall be readily available to the public. The Board is authorized and shall have power to incur such expenses as are reasonably necessary to carry out its duties hereunder. All such expenses shall be paid, one-half from the Accident Fund and one-half from the Medical Aid Fund upon vouchers approved by the Board.

Rules and regulations.

Proviso.

Rules and regulations to be printed.

Expenses incurred.

SEC. 4. Any member of the Board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the Governor, who shall transmit such written charges to the member accused and to the Chief Justice of the Supreme Court. The Chief Justice shall thereupon designate a special tribunal composed of three (3) judges of the Superior Court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review.

Removal of members.

Charges shall be in writing.

Special tribunal to hear charges

Hearing.

SEC. 5. From and after the effective date of this act the Joint Board of the Department of Labor and

Joint Board of Labor and Industries abolished and powers transferred.

Industries shall no longer exist and all powers of said Joint Board, and all proceedings pending before it on the date last above mentioned are hereby transferred to and vested in the Board of Industrial Insurance Appeals, which Board shall have jurisdiction as fully and completely as though such proceedings had been originally initiated before it: *Provided*, That nothing herein contained shall affect any appeal pending before any Superior Court or the Supreme Court.

Pending appeals not affected.

Amendment.

SEC. 6. Section 20, chapter 74, Laws of 1911, as last amended by section 1, chapter 280, Laws of 1943, is amended to read as follows:

Department of Labor and Industries.

Section 20. Whenever the Department of Labor and Industries has made any order, decision or award, it shall promptly serve the claimant, employer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the Department. The copy, in case the same is a final order, decision or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision or award must be appealed within sixty days, or the same shall become final. Any claimant, employer or other person aggrieved by such order, decision or award must, before he appeals to the courts, serve upon the Director of Labor and Industries, by mail or personally, within sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, a notice of appeal to the Board of Industrial Insurance Appeals, hereinafter called the "Board." Such notice shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and shall include every issue to be considered by the

Service of orders, awards and decisions.

Contents of copy served.

Notice of appeal to Board of Industrial Insurance Appeals.

Contents of notice.

Board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the Department. The Department shall promptly transmit the original record of the Department in such matter to the Board: *Provided, however,* The Department before or after receiving a notice of appeal, but before the time for appeal has expired, may, with the consent of the Board, modify, reverse or change any order, decision or award, and the claimant may thereupon withdraw his appeal. If the Board, in its opinion, considers that the Department had considered fully all matters raised by such appeal it may, without further hearing, deny the same and confirm the Department's decision or award, or if the evidence on file with the Board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application; otherwise, it shall order a hearing to decide the issues raised. If a hearing be granted it shall be held in the county of the residence of the applicant, or in the county where the injury occurred, at a place designated by the Board, but the hearing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes relating to Superior Courts of this state. The Department shall be entitled to appear in all proceedings before the Board and

Record transmitted to Board.

Department may modify or reverse order.

Powers of Board as to decisions and awards of Department.

Hearings.

Hearings to be de novo and summary.

Witnesses.

Department may appear.

Oral testimony

introduce testimony in support of its order. The Board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the Board may be conducted by one or more of its members, or a duly authorized representative, and depositions may be taken by a person duly commissioned for the purpose by the Board, but the record on appeal shall be considered by all of the members of the Board, and the decision of a majority of the members shall be the decision of the Board, and upon such decision being rendered all parties to said appeal shall be given written notice thereof by the Board.

Conduction of hearings.

Depositions.

Record to be considered by all members of Board.

Notice of decision.

Board to act on appeal within 30 days.

An appeal shall be deemed to have been denied by the Board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the Board may in its discretion, extend the time within which it may act upon such appeal, not exceeding thirty days.

Extension of time.

Powers and duties of Board in hearings.

Each of the members of the Board and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

Persons committing contempt at hearings.

If any person in proceedings before the Board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to pro-

duce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the Board or any member thereof shall certify the facts to the Superior Court having jurisdiction in the place in which said Board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the Court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the Court.

Superior Court shall punish.

Within thirty days after the final order of the Board upon such appeal has been communicated to such applicant, or within thirty days after the appeal is deemed denied as herein provided, such applicant may appeal to the Superior Court of the county of his residence, or to the Superior Court of the county wherein the injury occurred, but upon such appeal may raise only such issues of law or fact as were properly included in his notice of appeal to the Board, or in the complete record of the proceedings before the Board. On such appeal the hearing shall be de novo, but the appellant shall not be permitted to offer, and the Court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the Board or included in the record filed by the Board: *Provided*, That the right of cross-examination shall not be limited by the testimony before the Board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the Clerk of the

Appeal to Superior Court.

Limitation on issues to be appealed.

Appeal to be de novo.

Cross-examination.

Notice of appeal.
 Department shall file notice of appearance.
 No bond required.
 Exception.
 Trial by jury upon demand.
 Trial shall be de novo.
 Supplement to departmental record.
 Confirmation of decision of Board.
 Modification or reversal of Board's decision.

Court a notice of appeal and by serving a copy thereof by mail, or personally, on the Director of Labor and Industries. The Department of Labor and Industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the Supreme Court, except that an appeal by the employer from a decision of the Board under section 7683 of Remington's Revised Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the Court, shall be filed, conditioned to perform the judgment of the Court. Except in the case last named an appeal shall not be a stay.

In all appeals to the Superior Court from any order, decision or award of the Board, 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 each appeal the trial shall be de novo but no party to the appeal shall be permitted to introduce evidence in court in addition to that contained in the departmental record, or in the record of the Board.

The Board shall serve upon the appellant, and file with the Clerk of the Court before trial, a certified copy of that portion of the record supplementing the departmental record, which shall, upon being so filed, together with the record of the Department, become part of the record in such case.

If the Court shall determine that the Board has acted within its power and has correctly construed the law and found the facts, the decision of the Board 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 Department of Labor and Industries with an

order directing it to proceed in accordance with the findings of the Court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act. Upon the final determination of a review proceedings, the Board shall return all original files and records to the Department.

Awards.

Files and records returned to Department.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the Court in the case, and if the decision of the Board shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the Department, if the Accident Fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the Superior Court as in other civil cases. The Attorney General shall be the legal adviser of the Department and the Board and shall represent it in all proceedings. In all Court proceedings under or pursuant to this act the decision of the Board shall be *prima facie* correct and the burden of proof shall be upon the party attacking the same.

Attorneys' fees.

Fees and costs from accident fund.

Practice in civil cases applies.

Attorney General shall be legal advisor for Department.

Burden of proof.

SEC. 7. There is hereby appropriated the sum of one hundred fifty thousand dollars (\$150,000) from the Accident Fund and the sum of one hundred fifty thousand dollars (\$150,000) from the Medical Aid Fund, or so much thereof as may be necessary, for the purposes herein stated.

Appropriation.

SEC. 8. 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 any part thereof not adjudged invalid or unconstitutional.

Partial invalidity.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 220.

[H. B. 217.]

MOTOR VEHICLES AND FUEL TAX.

AN ACT relating to the administration of highways, roads and streets; prescribing the power and duties of certain officers; providing for fees for licensing of motor vehicles and for motor and diesel fuel taxes and the distribution of funds to the state, to counties and cities, providing when certain fees shall become effective and declaring an emergency, repealing chapter 134, Laws of 1941; amending section 3, chapter 53, Laws of 1937; and amending section 60, chapter 187, Laws of 1937 as last amended by section 1, chapter 96, Laws of 1947; and amending section 61, chapter 187, Laws of 1937 as last amended by section 1, chapter 250, Laws of 1945; and amending section 63, chapter 187, Laws of 1937 as last amended by section 11, chapter 82, Laws of 1943; and amending section 5, chapter 58, Laws of 1933 as amended by section 2, chapter 177, Laws of 1939; and amending sections 16 and 18, chapter 188, Laws of 1937; and amending section 17, chapter 188, Laws of 1937 as last amended by section 15, chapter 200, Laws of 1947; and amending section 3, chapter 127, Laws of 1941; and amending section 1, chapter 194, Laws of 1943 as amended by section 1, chapter 171, Laws of 1945; and amending section 17, chapter 58, Laws of 1933 as last amended by section 4, chapter 84, Laws of 1943.

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

Amendment. SECTION 1. Chapter 134, Laws of 1941 (sections 6400-4a to 6400-4d, inclusive, Rem. Supp. 1941), is hereby repealed.

Assistant Director of Highways for State Aid. Duties. SEC. 2. The Director of Highways shall appoint, with the approval of the Governor, a qualified assistant to be designated as "Assistant Director of Highways for State Aid" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets.

Personnel merit system to be established. SEC. 3. The Director shall within one year from the effective date of this act establish and provide for the operation and maintenance within the Department of Highways a personnel merit system for the employment, classification, promotion, demotion,

suspension, transfer, layoff, and discharge of its appointive officers and employees on the sole basis of merit and fitness and without regard to political influence or affiliation. The Director shall have power to adopt the type or pattern of merit system best suited to its size and conditions. The provisions hereof shall apply only to engineering, supervisory, technical, accounting, property acquiring, traffic inspection, and clerical employees.

Director to adopt system.

Limitation on application of system.

The body created for the purpose of administering such personnel system shall have power to make, amend and repeal rules and regulations essential in carrying out the provisions of this section. All such rules and regulations shall become effective if not disapproved by the Director within sixty days after their promulgation. Such rules and regulations shall provide:

Rules and regulations.

(1) That the person to be discharged or demoted must be presented with the reasons for such discharge or demotion specifically stated; and

(2) That he shall be allowed a reasonable time in which to reply thereto in writing.

The reasons and the reply shall be filed as a public record with the Director.

SEC. 4. Section 60, chapter 187, Laws of 1937, as amended (sec. 6450-60 Rem. Supp. 1947), is amended to read as follows:

Amendment.

Section 60. All funds accruing to the credit of incorporated cities and towns in the Motor Vehicle Fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "City Street Fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with

State aid for city streets.

City Street Fund.

Purposes to which funds may be applied.

the construction, alteration, repair, improvement or maintenance of any city street or bridge, or viaduct or underpassage along, upon or across such streets. Such expenditure may be made either independently or in conjunction with any Federal, state or any county funds.

Amendment.

SEC. 5. Section 61, chapter 187, Laws of 1937, as amended (sec. 6450-61, Rem. Supp. 1945), is amended to read as follows:

Director to determine what streets, bridges and wharves shall form part of state highways.

Section 61. The Director of Highways shall determine what city streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of any primary or secondary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the State Auditor and one copy to the clerk of each incorporated city and town, which streets, together with bridges thereon and wharves, if any, in such city or town are designated as forming a part of the route of a primary or secondary state highway through such city or town; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall be constructed and maintained by the Director from any state funds available therefor.

Effect of determination.

Jurisdiction, control and duties of state and cities and towns as to said streets.

The jurisdiction control and duty of the state and city and town with respect to said streets shall be as follows:

Changing grade of street.

(a) The Director shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town;

(b) The city and town shall exercise full responsibility for and control over any such street be-

yond the curbs, and if no curb is installed beyond the portion of the highway used for highway purposes;

Control of streets beyond curbs.

(c) The Director shall have authority to prohibit the suspension of signs, banners or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

Suspension of signs, banners or decorations over streets.

(d) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

Underground facilities.

(e) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself at its direction;

Opening of surface of streets.

(f) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway;

Lighting and cleaning of streets.

(g) The Director shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the Director, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the Director and the governing body of the city or town;

Storm sewers.

(h) Cities and towns shall have exclusive right to grant franchises over, beneath and upon such streets: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the Director, but the Director shall not refuse to approve any such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

Granting of franchises.

Franchise for public utility.

(i) Every franchise or permit granted any person, company or corporation by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of any such street damaged or injured by it;

Repair of damage.

Overload and overwidth permits for vehicles.

(j) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the Director;

Traffic and parking restrictions.

(k) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted after the effective date of this act shall be subject to the approval of the Director before becoming effective. Traffic control and parking regulations not identical with state laws heretofore adopted by a city or town shall become null and void unless approved by the Director within one year after this act takes effect;

Route markers, directional and street signs.

(l) The Director shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

Traffic control signals, signs and devices.

(m) The Director shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices in cities having a population of fifteen thousand or less according to the latest Federal census; and cities and towns having a population in excess of fifteen thousand according to the latest Federal census shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the Director for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

Revenues from parking meters.

(n) All revenue from parking meters placed on such streets shall belong to the city or town;

(o) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon; and costs of acquiring such rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided however*, That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the Director; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared.

Acquisition of rights of way.

Title to rights of way.

Revenues.

The Director is authorized to acquire rights of way, by purchase, gift or condemnation for any such streets, highways, bridges and wharves. Any such condemnation proceeding shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

Director may acquire rights of way.

SEC. 6. Section 63, chapter 187, Laws of 1937, as amended (sec. 6450-63, Rem. Supp. 1943), is amended to read as follows:

Amendment.

Section 63. In the event that any incorporated city or town, whether or not its city streets or any thereof are designated as forming a part of the route of a primary state highway through such incorporated city or town, is unable to construct, repair or maintain its city streets by reason of lack of equipment or for other good cause, or if any such city or town is in need of engineering assistance to construct, repair or maintain any of its city streets, such incorporated city or town may authorize the Director to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the Director, to the extent of, but not to exceed, the funds credited or to be credited in the Motor Vehicle Fund

Director may aid cities and towns by constructing, repairing or maintaining streets.

Engineering assistance included.

for payment to such incorporated city or town; and any sums due from city or town for such construction, repair or maintenance or engineering assistance shall be paid on vouchers approved and submitted by the Director from monies credited to the city or town in the Motor Vehicle Fund, and the amount of such payments shall be deducted from funds which would otherwise be paid to such city or town from the Motor Vehicle Fund. Any such incorporated city or town may, by resolution, authorize the Board of County Commissioners of the county in which such incorporated city or town is located, to perform any such construction, repair or maintenance and the same shall be paid for by such incorporated city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by any county shall be deposited in the County Road Fund of such county to be expended therefrom under the same provisions as are by law imposed upon the funds used to perform such construction, repair or maintenance.

Vouchers.

Amount of vouchers deducted from funds to be paid to city or town.

Construction, repair or maintenance of streets of city or town by county.

Amendment.

SEC. 7. Section 5, chapter 58, Laws of 1933, as amended by section 2, chapter 177, Laws of 1939, is amended to read as follows:

Tax on distributors.

Section 5. Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the Treasurer of this state of six and one-half cents (6 $\frac{1}{2}$ c) 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. Of the six and one-half cents (6½c) collected as herein provided, five cents (5c) shall be distributed between the state, cities and counties under the provisions of sections 2 and 3, chapter 181, Laws of 1939, and one-quarter cent (¼c) shall be distributed to the counties directly and allocated between them as provided by section 1 (c), chapter 260, Laws of 1945, and one and one-quarter cents (1¼c) shall be paid directly into the Motor Vehicle Fund.

Distribution
of tax
collected.

SEC. 8. Section 16, chapter 188, Laws of 1937 (sec. 6312-16, Rem. Rev. Stat., Vol. 7A), is amended to read as follows:

Amendment.

Section 16. Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of five dollars (\$5): *Provided*, There shall be paid for each calendar year or fractional part thereof by dealers for dealer's license eight dollars (\$8), which shall include one set of dealer's vehicle license number plates, and for additional sets in duplicate of the dealer's vehicle license number plates but bearing appropriate distinguishing symbols, the sum of three dollars (\$3) for each additional set of two plates.

Annual
license fee
of vehicles.

Dealer's
license fee.

Amendment.

SEC. 9. Section 18, chapter 188, Laws of 1937 (sec. 6312-18, Rem. Rev. Stat., Vol. 7A), is amended to read as follows:

Additional fees for auto stages.

Section 18. In addition to other fees for the licensing of vehicles there shall be paid and collected annually, for each auto stage, the sum of nine dollars (\$9) per seat for the maximum adult seating capacity thereof, exclusive of the operator thereof: *Provided*, That licenses per seat capacity can be purchased therefor in the same manner and for the same periods as are provided in section 11 of this act.

Additional fee for each for hire passenger vehicle.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each for hire passenger vehicle, four dollars (\$4) per seat for the maximum adult seating capacity thereof, exclusive of the operator thereof: *Provided*,

Taxicabs.

That as to taxicabs the tax per seat of maximum adult seating capacity, exclusive of the operator, shall be only two dollars (\$2) per seat: *Provided further*,

Increase in seat fees to be gradual.

That the increase in seat fees over the seat fees in effect in 1949 shall be gradually assessed over a period of three (3) years, one-third (1/3) of said increase to be added to the regular 1950 seat fee, two-thirds (2/3) to the 1951 fees and the total increased seat fees herein provided for shall be effective in 1952.

Amendment.

SEC. 10. Section 17, chapter 188, Laws of 1937, as amended by section 15, chapter 200, Laws of 1947, is amended to read as follows:

License fees for gross weight of trucks and truck tractors.

Section 17. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck and truck tractor based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees:

Schedule of fees.

	Up to 6,000 lbs.....	\$11.00
	6,000 lbs. or more and less than 8,000 lbs.....	\$18.00
	8,000 lbs. or more and less than 10,000 lbs.....	\$20.00
	10,000 lbs. or more and less than 12,000 lbs.....	\$22.50

12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$95.00
22,000 lbs. or more and less than 24,000 lbs.....	\$120.00
24,000 lbs. or more and less than 26,000 lbs.....	\$150.00
26,000 lbs. or more and less than 28,000 lbs.....	\$180.00
28,000 lbs. or more and less than 30,000 lbs.....	\$220.00
30,000 lbs. or more and less than 32,000 lbs.....	\$270.00
32,000 lbs. or more and less than 34,000 lbs.....	\$310.00
34,000 lbs. or more and less than 36,000 lbs.....	\$350.00

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer and semi-trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees:

License fees for gross weight of trailers and semi-trailers.

Up to 4,000 lbs.....	\$5.00
4,000 lbs. or more and less than 6,000 lbs.....	\$11.00
6,000 lbs. or more and less than 8,000 lbs.....	\$18.00
8,000 lbs. or more and less than 10,000 lbs.....	\$20.00
10,000 lbs. or more and less than 12,000 lbs.....	\$22.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$95.00
22,000 lbs. or more and less than 24,000 lbs.....	\$120.00
24,000 lbs. or more and less than 26,000 lbs.....	\$150.00
26,000 lbs. or more and less than 28,000 lbs.....	\$180.00
28,000 lbs. or more and less than 30,000 lbs.....	\$220.00
30,000 lbs. or more and less than 32,000 lbs.....	\$270.00
32,000 lbs. or more and less than 34,000 lbs.....	\$310.00
34,000 lbs. or more and less than 36,000 lbs.....	\$350.00

Schedule of fees.

Provided, That as to any such motor truck or truck tractor propelled by steam, electricity, natural gas, Diesel oil, butane, or propane the foregoing schedule of fees shall be increased in every instance by twenty-five per cent (25%) 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, truck tractor, trailer or semi-trailer shall be the scale weight of such motor truck, truck tractor,

Diesel and other powered vehicles.

Additional tax.

Maximum gross weight.

Fees for transporting certain machinery.

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 in lieu of the additional fee provided in this section there shall be collected a fee of five dollars (\$5) on any motor truck, truck tractor, 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:

Farming vehicles.

Provided further, On motor trucks owned and operated by farmers in the transportation of their own farm, orchard, or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy, except motor trucks owned and operated by cooperative associations or cooperative marketing associations, shall be paid and collected annually the following fees in lieu of the fees first mentioned herein:

Schedule of fees.

Up to 6,000 lbs.....	\$5.50
6,000 lbs. or more and less than 8,000 lbs.....	\$9.00
8,000 lbs. or more and less than 10,000 lbs.....	\$10.00
10,000 lbs. or more and less than 12,000 lbs.....	\$11.25
12,000 lbs. or more and less than 14,000 lbs.....	\$12.50
14,000 lbs. or more and less than 16,000 lbs.....	\$15.00
16,000 lbs. or more and less than 18,000 lbs.....	\$25.00
18,000 lbs. or more and less than 20,000 lbs.....	\$35.00
20,000 lbs. or more and less than 22,000 lbs.....	\$95.00
22,000 lbs. or more and less than 24,000 lbs.....	\$120.00
24,000 lbs. or more and less than 26,000 lbs.....	\$150.00
26,000 lbs. or more and less than 28,000 lbs.....	\$180.00
28,000 lbs. or more and less than 30,000 lbs.....	\$220.00
30,000 lbs. or more and less than 32,000 lbs.....	\$270.00
32,000 lbs. or more and less than 34,000 lbs.....	\$310.00
34,000 lbs. or more and less than 36,000 lbs.....	\$350.00

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 five dollars (\$5): *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 set forth in such application: *Provided further*, (a) That when such vehicle is to be moved from one point in this state to another and when the owner of such vehicle desires to carry a load of passengers and/or commodities he may obtain a one transit permit upon the payment to the Director of Licenses of a fee of ten dollars (\$10), and (b) For each vehicle used exclusively in the transportation of circus, carnival and show equipment and in the transportation of supplies used in conjunction therewith, there shall, in addition to other fees provided for the licensing of vehicles, be charged an annual capacity fee in the amount of ten dollars (\$10).

Special permits.

Fee.

Permits for transit only.

Permit for one load.

Fee.

Vehicles for transporting shows, circuses, etc.

Fee.

This section shall be effective December 1, 1949, and shall apply to all motor trucks, trailers and semi-trailers licensed for the year 1950 and subsequent years.

Effective date.

SEC. 11. Section 1, chapter 194, Laws of 1943, as amended by section 1, chapter 171, Laws of 1945, is amended to read as follows:

Amendment.

Section 1. Whenever any person, firm or corporation applies for a license on a motor truck, trailer, tractor, semi-trailer, for-hire vehicle, bus or auto stage subsequent to March 31 of any calendar year,

Licenses of motor vehicles may be purchased for portions of a year.

the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon motor vehicles above described licensed in this state after March 31 of any year, but before July 1, the license fees imposed by this section for such year shall be reduced by one-fourth ($\frac{1}{4}$) thereof; upon vehicles licensed in this state after June 30 of any year, but before October 1, the license fees shall be reduced by one-half ($\frac{1}{2}$) thereof; and upon vehicles licensed in this state after September 30 of any year the license fees shall be reduced by three-fourths ($\frac{3}{4}$) thereof: *Provided*, That gross weight licenses for motor trucks, trailers, tractors or semi-trailers may be purchased for a three (3) month period at the beginning of any calendar month when the gross weight license applied for on any vehicle exceeds twenty thousand (20,000) pounds. For each fee so paid other than at the time of payment of the basic license fee, an additional fee of one dollar (\$1) shall be charged by the Director. The Director of Licenses is authorized to establish rules and regulations not inconsistent herewith relative to the issuance and display of certificates or other insignia evidencing payment of such fees: *And provided further*, That such reductions shall not apply to special permits.

Gross weight licenses.

Issuance and display of certificates.

Special permits not included.

Amendment.

SEC. 12. Section 3, chapter 127, Laws of 1941, is amended to read as follows:

Tax on user of fuel.

Section 3. From and after the effective date of this act, in addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of six and one-half cents ($6\frac{1}{2}\text{¢}$) per gallon on the use of fuel by any user thereof.

Amount.

Amendment.

SEC. 13. Section 17, chapter 58, Laws of 1933, as last amended by section 4, chapter 84, Laws of 1943, is amended to read as follows:

Section 17. Every person who imports motor vehicle fuel into this state for his own use in equip-

ment 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 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

Importer of motor vehicle fuel to report.

Propulsion fuel exempted.

Limited to use in vehicle.

Director may examine books and records of exemption claimant.

demand for such examination shall constitute a waiver of all rights to the exemption herein granted.

Interstate or foreign commerce excepted.

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 by a qualified distributor, nor to any motor vehicle fuel, or other inflammable petroleum products, sold by a qualified distributor to the government of the United States or any department thereof for official use exclusively in the operation of aircraft engines, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation gasoline dealers and/or users as authorized and under regulations prescribed by the Director of Licenses, 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.

Exports from state excepted.

Use in aircraft operation excepted.

Distributor shall make report.

Export certificate.

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 sixty (60) 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

Time limit for filing.

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.

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.

Exemption claim.

Time limit.

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 Washington, or any political subdivision thereof, on the propulsion of motor vehicles as herein defined.

State not exempt.

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

Non-governmental use makes taxable.

Conspiracy unlawful.

such motor vehicle fuel or other inflammable petroleum products upon which the state tax has not been paid.

Partial
invalidity.

SEC. 14. If any section, sentence, clause, or word of this act shall be held to be unconstitutional, the invalidity of such section, sentence, clause, or word shall not affect the validity of any other provisions of this act, it being the intent of this legislative assembly to enact the remainder of this act, notwithstanding such part so declared to be unconstitutional, may or should be so declared.

Emergency.

SEC. 15. The provisions of this act, except the sections relating to fees for motor vehicles and except as in this act otherwise provided, are necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 21, 1949.

CHAPTER 221.

[H. B. 467.]

VEHICLES—PUBLIC HIGHWAYS.

AN ACT relating to vehicles and the operation thereof upon the public highways, and amending sections 5, 6 and 7, chapter 200, Laws of 1947.

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

Amendment.

SECTION 1. Section 5, chapter 200, Laws of 1947 (6360-49, Rem. Supp. 1947) is amended to read as follows:

Section 5. Section 49 of chapter 189 of the Laws of 1937, as amended (Rem. Rev. Stat. Supp. 6360-49; PPC 292-5) is hereby amended to read as follows:

Section 49. It shall be unlawful for any person to operate upon the public highways of this state

any vehicle having an overall length, with or without load, in excess of thirty-five (35) feet. It shall be unlawful for any person to operate upon the public highways of this state any combination of vehicles which, with or without load, has an overall length in excess of sixty (60) feet, or any combination of vehicles containing any vehicle of which the permanent structure has an overall length in excess of forty (40) feet. Said length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Overall length limitation on motor vehicles on public highways.

It shall be unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two (2) vehicles. For the purposes of this section a truck tractor-semi-trailer combination will be considered as two (2) vehicles but the addition of another axel to the tractor of a truck tractor-semi-trailer combination in such a way that it supports a proportional share of the load of the semi-trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semi-trailer to a full trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the trailer.

Limitation on combination of vehicles.

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

Limitation on extension of loads upon vehicles.

Maximum extension of load beyond center of axle. No vehicle shall be operated upon the public highways of this state with any part of the permanent structure or load extending in excess of fifteen (15) feet beyond the center of the last axle of such vehicle.

Amendment. SEC. 2. Section 6, chapter 200, Laws of 1947 (6360-50, Rem. Supp. 1947) is amended to read as follows:

Section 6. Section 50 of chapter 189 of the Laws of 1937, as amended by section 2, chapter 116, Laws of 1941 (Rem. Rev. Stat. Supp. 6360-50; PPC 292-7) is hereby amended to read as follows:

Weight and load limit on vehicles upon public highways. Section 50. (a) It shall be unlawful to operate any vehicle upon the public highways of this state with a gross weight including load upon any one (1) axle thereof in excess of eighteen thousand (18,000) pounds.

Semi-trailers with one axle. It shall be unlawful to operate any one (1) axle semi-trailer upon the public highways of this state with a gross weight including load upon such one (1) axle in excess of eighteen thousand (18,000) pounds.

Trucks with two axles. It shall be unlawful to operate any truck or truck-tractor upon the public highways of this state supported upon two (2) axles with a gross weight including load in excess of twenty-eight thousand (28,000) pounds.

Trailers with two axles. It shall be unlawful to operate any trailer or semi-trailer upon the public highways of this state supported upon two (2) axles with a gross weight including load in excess of thirty-two thousand (32,000) pounds.

Vehicles with three axles. It shall be unlawful to operate any vehicle upon the public highways of this state supported upon three (3) axles or more with a gross weight including load in excess of thirty-six thousand (36,000) pounds.

(b) The maximum axle and gross weights specified in subsection (a) above shall be subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as set forth in section 34, chapter 189, Session Laws of 1937. Braking requirements.

(c) It shall be unlawful to operate any vehicle upon the public highways of this state equipped with two (2) axles spaced less than seven (7) feet apart, unless the two (2) axles are so constructed and mounted in such a manner to provide oscillation between the two (2) axles and that either one of the two (2) axles will not at any one time carry more than the maximum gross weight allowed for one (1) axle or two (2) axles specified in subsection (a) above. Axles.

(d) Subject to the maximum gross weights specified in subsection (a) above, it shall be unlawful to operate any vehicle upon the public highways of this state with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred (500) pounds per inch width of such tire. For the purpose of this subsection, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this subsection, the width of tires in case of pneumatic tires shall be the cross-section diameter measured from the inside of the widest point when inflated to the recommended inflation point and without load thereon. In lieu of this method of measurement the tire shall not carry any load in excess of the manufacturer's recommended carrying capacity. Tires.

(e) Subject to the maximum axle and gross weights specified in subsection (a) above, it shall be unlawful to operate any motor vehicle or com- Maximum GROSS weights.

combination of vehicles with a gross weight, including load, on any group of axles of a vehicle or combination of vehicles in excess of that set forth in the following table:

Table of maximum gross weight.

Wheelbase of Any Group of Axles of a Vehicle or Combination of Vehicles (feet)

<i>Wheelbase (feet)</i>	<i>Maximum Gross Load</i>
3' 6"	32,000
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610
9	33,580
10	34,550
11	35,550
12	36,830
13	38,350
14	39,870
15	41,400
16	42,930
17	44,459
18	46,000
19	47,000
20	48,000
21	49,000
22	50,000
23	51,340
24	52,670
25	54,000
26	55,100
27	56,200
28	57,400
29	58,500
30	59,500
31	60,300
32	61,140
33	61,710
34	62,280
35	62,860
36	63,430
37	64,000
38	64,500
39	65,000
40	65,500
41	66,000
42	66,500
43	67,000
44	67,500

*Wheelbase of Any Group of Axles
of a Vehicle or Combination
of Vehicles (feet)*

Maximum Gross Load

Table of
maximum
gross
weights.

45	68,000
46	68,500
47	69,000
48	69,500
49	70,000
50	70,500
51	71,000
52	71,500
53	72,000
54	72,000
55	72,000
56	72,000
57	72,000

When inches are involved: Under six (6) inches take lower; six (6) inches and over take higher.

Three (3) axle truck tractor and two (2) axle semi-trailer combinations engaged in the operation of hauling logs shall be allowed a tolerance of five (5) per cent over and beyond the gross loading established in the above table except that the combination of vehicles must be licensed to carry the gross load being transported and the gross weight of individual units and axles may not exceed the maximum gross weights established in subsection (a) above. Highways or sections of highways that will not withstand the increased loading occasioned by this specified tolerance shall be posted by the use of adequate signs. Such signs shall be posted by the public officials in whom the responsibility of maintaining the highway is vested.

Special
tolerance
for certain
vehicles
hauling logs.

Posting of
highways
incapable of
withstanding
specified
tolerance.

Vehicles or combination of vehicles now existing and for a period of one (1) year from the effective date of this act shall be allowed a tolerance of three (3) per cent for the maximum gross load between the distance of eighteen (18) feet to twenty-nine (29) feet and a tolerance of two (2) per cent for the maximum gross load between the distance of thirty (30) feet to forty-five (45) feet on wheelbase of any group of axles of a vehicle or combination of

Tolerance.

vehicles as established in the above maximum gross load table.

Violations
and
penalties.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon first conviction thereof shall be fined not less than twenty-five dollars (\$25) or more than fifty dollars (\$50); upon second conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100), and in addition thereto the Court may suspend the certificate of license registration of the vehicle, or combination of vehicles last involved, for a period not to exceed thirty (30) days; upon a third or subsequent conviction shall be fined not less than one hundred dollars (\$100), and the Court shall, in addition thereto, suspend the certificate of license registration of the vehicle, or combination of vehicles last involved, for not less than thirty (30) days; upon conviction of violating any posted limitation of a highway or section of highway the fine shall be not less than one hundred dollars (\$100), and the Court shall, in addition thereto, suspend the operator's driver's license for not less than thirty (30) days: *Provided*, Whenever the operator's driver's license and/or the certificate of license registration are suspended under the provisions of this section the Judge shall secure such certificates and immediately forward the same to the Director of Licenses with information concerning the suspension thereof.

This section shall take effect on December 1, 1949.

Effective
date.

SEC. 3. Section 7, chapter 200, Laws of 1947 (6360-55, Rem. Supp. 1947) is amended to read as follows:

Amendment.

Section 7. Section 55 of chapter 189 of the Laws of 1937, as amended by section 1, chapter 177, Laws of 1945 (Rem. 1945 Supp. 6360-55; PPC 292-17) is hereby amended to read as follows:

Section 55. The Director of Highways with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this act, or otherwise not in conformity with the provisions of this act upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Permits for excesses.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

Vehicle must be licensed for maximum gross weight to receive permit.

No permit shall be issued for movement on any primary state or secondary state highway where the gross weight, including load, exceeds twenty-two thousand (22,000) pounds on a single axle or forty-one thousand (41,000) pounds on any group of axles having a wheelbase between the first and last axle thereof of less than ten (10) feet: *Provided*, A tolerance of two thousand (2,000) pounds may be allowed on any group of axles having a wheelbase between the first and last axle thereof of less than ten (10) feet when the permit is being issued for the maximum overload permitted under this section: *Provided further*, That the tolerance shall not be allowed unless specifically granted on the face of the permit.

Limitations on gross weight for permits.

Tolerance.

No permit shall be issued for movement on any two (2) lane state highway where the overall width of load exceeds fourteen (14) feet, on any three (3) lane state highway where the overall width of load exceeds twenty-two (22) feet, or on any four (4) lane state highway where the overall width of load

Limitation on width of vehicles for permits.

exceeds thirty-two (32) feet: *Provided*, These width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred (100) vehicles per day: *Provided further*, Permits may be issued for weights and widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights and widths in excess of such limitations: *Provided further*, That these limitations may be rescinded during a war emergency when certification is made by military officials as to the necessity for such action: *And provided further*, That these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than twenty (20) miles, if properly patrolled and flagged.

Exception.

Exception.

War emergencies are exception.

Farm machinery excepted.

Contents of application for permit.

The applicant for any permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Conditions of permit.

The Director of Highways or local authority is authorized to issue or withhold such permit at his or its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements made upon state primary or secondary highways. All funds collected shall be forwarded to the State Treasurer and shall be deposited in the motor vehicle fund:

Fee schedule for permits.

All overlegal loads, except overweight, single trip. . . .	\$4.00
Continuous operation of overlegal loads having either over-width or over-height features only for a period not to exceed thirty (30) days.	\$25.00
Continuous operation of overlegal loads having over-length only for a period not to exceed thirty (30) days	\$10.00
Continuous operation of an overlegal vehicle as a pilot model and/or semi-trailer as a pilot model for a period of one (1) year.	\$50.00
Continuous operation of combination of vehicles composed of more than two (2) vehicles single trip. . . .	\$4.00
Continuous operation of a combination of vehicles composed of more than two (2) vehicles—thirty (30) days	\$10.00
Continuous operation of a combination of vehicles composed of more than two (2) vehicles, including issuance up to and including four (4) permits to the same operator for a period of six (6) months.	\$40.00
Continuous operation of a combination of vehicles composed of more than two (2) vehicles, including issuance up to and including six (6) permits to the same operator for a period of one (1) year.	\$60.00

OVERWEIGHT FEE SCHEDULE.

<i>Weight over that allowed by statute</i>	<i>Miles traveled over</i>		
	<i>50 miles or less</i>	<i>50 miles but less than 200 miles</i>	<i>200 miles or more</i>
7,000 pounds or less. . . .	\$5.00	\$10.00	\$15.00
7,001 to 13,999 pounds overlegal	\$10.00	\$20.00	\$30.00
14,000 to 19,999 pounds overlegal	\$15.00	\$30.00	\$45.00
20,000 pounds or more overlegal	\$50.00	\$100.00	\$150.00

An additional two thousand (2,000) pounds gross load over and above the maximum gross load, when fully licensed, as permitted in section 50, subsection (a) for three (3) axle trucks, two (2) axle trailers, three (3) axle trailers and three (3) axle truck-

Special permit for additional loads.

tractors, for operation on highways or sections of highways which have been designed and constructed for weights in excess of legal limitations, as further provided by law and further determined by the Director of Highways to be capable of withstanding the increased loading may be allowed, under special permit, upon payment of fifty dollars (\$50) annually for each vehicle operated. The permit shall be issued for a period not to exceed one (1) year which shall have a commencing and expiration date the same as the motor vehicle license date provided by law.

Fee for special load permit.

One year limitation.

Determination of mileage for fee schedule.

For the purpose of this fee schedule, mileage shall be determined from the Planning Survey Records of the Department of Highways and the gross weight of the vehicle or vehicles, including load, shall be as declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

To whom fees payable.

Fees established in this section shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to the Director of Highways but such fee shall not be collected nor the state permit issued until valid permits are presented showing that the political bodies involved approve of the move in question. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move in-

volves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that city or town authorities approve of the move in question.

The fees levied in this section shall not apply to any vehicles owned and operated by the State of Washington; any county within the State of Washington or any municipality within the State of Washington; or by the Federal government.

Vehicles exempt from fees.

Any person who misrepresents the size or weight of any load in obtaining a permit or does not follow the requirements and conditions of the permit shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100).

Fraud in procuring permit.

Any person who operates any overlegal vehicle without first obtaining a permit shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100).

Penalty for violations.

Every permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

Permit to be carried in vehicle.

Passed the House February 25, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 222.

[H. B. 211.]

LICENSED PRACTICAL NURSES ACT.

AN ACT to be known as the "Licensed Practical Nurses Act," relating to practical nurses; creating the Washington State Board of Practical Nurse Examiners and defining the duties thereof; providing for the examination and licensing of practical nurses; providing for the suspension and revocation of licenses; fixing fees and prescribing penalties.

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

Definitions.

SECTION 1. 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: (1) "Board" shall mean "Washington State Board of Practical Nurse Examiners."

"Board."

"Director."

(2) "Director" shall mean "Director of Licenses."

"Licensed Practical Nurse" or "L.P.N."

(3) "Licensed Practical Nurse, abbreviated L.P.N." shall mean "a person licensed by the Board to practice practical nursing."

"Licensed Practical Nurse Practice."

(4) "Licensed Practical Nurse Practice" shall mean "the performing for compensation or personal profit, services required in the nursing care of the sick, not involving the specialized education, knowledge and skill required in professional nursing."

Washington State Board of Practical Nurse Examiners created.

SEC. 2. There is hereby created a Board to be known and designated as the "Washington State Board of Practical Nurse Examiners." The Board shall be composed of five (5) members, appointed by the Governor as follows: (1) Two (2) members shall be registered professional nurses having had no less than five (5) years' experience in the practice of nursing, one of whom shall be a registered nurse actively engaged in instructing in an approved practical nursing course, and one of whom shall be a registered nurse experienced in instructing in an approved practical nursing course;

Members.

(2) One (1) registered professional nurse who is actively engaged in the supervision of an approved program for practical nursing;

(3) Two (2) practical nurses qualifying under this act, at least twenty-three (23) years of age, who shall have had not less than three (3) years' actual experience as a practical nurse and who have completed an approved course in practical nursing.

SEC. 3. The members of the first Board shall be appointed to serve as follows: (1) One professional nurse and one practical nurse for a term of five (5) years;

Terms of members.

(2) One practical nurse for a term of four (4) years;

(3) One professional nurse and one supervisor of practical nurses for terms of three (3) years each.

Thereafter all appointments shall be for terms of five (5) years each.

Vacancies occurring on the Board shall be filled for the unexpired term by appointment of the Governor, who also may remove any member from the Board for neglect of duty required by law, or for incompetency or unprofessional or disorderly conduct.

Vacancies.

SEC. 4. The Board shall have jurisdiction over the practical nurses of the State of Washington as distinguished from the registered professional nurses in all matters relating to practical nursing. Each Board member shall receive not less than fifteen dollars (\$15) per day for each day engaged in the discharge of his or her duties as a member of the Board, and shall be paid necessary traveling expenses while away from home. The members of the Board shall appoint a Chairman and a Secretary from among its entire members, who shall serve until his or her successor is appointed by the Board.

Jurisdiction of Board.

Compensation of members.

Expenses.

Appointment of Board officers.

SEC. 5. It shall be the duty of the Board to prepare examination questions, conduct examinations

Powers and duties of Board.

and grade the answers of applicants. The Board shall also determine and formulate what constitutes an approved practical nursing course, the same to be written and filed with the Secretary of the Board. The Board may amend said requirements from time to time and any such amendment shall also be in writing and filed with the Secretary of the Board. Upon request of any hospital or other agency within the State of Washington, the Secretary of the Board shall furnish and forward by mail a copy of said written requirements constituting an approved course, and any written amendments thereto.

Require-
ments of
applicant
for license.

SEC. 6. An applicant for a license to practice nursing as a licensed practical nurse shall submit to the Board written evidence, on a form provided by the Board, verified under oath, that the applicant:

- (1) Is at least twenty (20) years of age;
- (2) Is of good moral character;
- (3) Is of good physical and mental health;
- (4) Has completed at least an eighth grade course or its equivalent, as determined by the Board;
- (5) Has completed an approved course of not less than nine (9) months for the training of practical nurses, or its equivalent, as determined by the Board.

Written ex-
amination
required
for license.

To be licensed as a licensed practical nurse, each applicant shall be required to pass a written examination in such subjects as the Board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse.

Supple-
mental ex-
amination.

Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such an examination may apply for re-examination. Upon passing such examination as determined by the Board, the Director shall issue to the applicant a license to practice as a licensed practical nurse, providing the license fee is paid by the

Failure to
pass—re-ex-
amination.

License
issued upon
passing ex-
amination.

applicant and the applicant meets all other requirements of the Board.

SEC. 7. The Director may issue a license to practice as a licensed practical nurse without examination to any applicant who has completed an approved course in practical nursing prior to January 1, 1950. The Director may also issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse, or a person entitled to perform similar services, under a different title, under the laws of another state, territory or foreign country if, in the opinion of the Board, the applicant has qualifications equivalent to the qualifications required in this state, and who establishes evidence thereof.

Issuance of license to applicant without examination.

Applicants licensed in other states and other countries.

SEC. 8. The Director, upon certification of the Board, shall issue a license to practice as a practical nurse to any person who shall submit to the Board on or before January 1, 1950, written evidence, verified under oath, that such applicant: (1) Is twenty (20) years of age;

Requirements of applicant for license until January 1, 1950.

(2) Is a citizen of the United States or who has applied for citizenship, and a resident of the State of Washington;

(3) Is of good moral character;

(4) Has had two (2) years' or more experience in the care of the sick preceding the passing of this act, and who submits with his or her application for a license affidavits of two (2) licensed physicians or two (2) registered professional nurses in this state, or of one of each, that said licensed physicians or registered nurses have personal knowledge of the applicant's qualifications, and that said applicant has been so engaged as a practical nurse.

The right to obtain a license as a practical nurse as provided in this section shall not continue after January 1, 1950.

License fee.

SEC. 9. All applicants applying for a license to practice as a licensed practical nurse with or without examination, as provided in this act, shall pay a license fee of ten dollars (\$10) to the Department of Licenses: *Provided, however,* That the applicant applying for a re-examination shall pay a fee of two dollars and fifty cents (\$2.50).

Re-examination fee.

Annual registration.

SEC. 10. Every licensed practical nurse in this state shall register annually with the Director of Licenses at a time fixed by him and shall pay an annual registration fee of one dollar (\$1).

Fee.

Supervisor of practical nurse education.

SEC. 11. The Director shall appoint a supervisor of practical nurse education who shall act as an executive to the Board to carry out the provisions of this act and who shall have the following qualifications: (1) Be a registered professional nurse in the State of Washington;

(2) Be the holder of a baccalaureate degree from an accredited university or college;

(3) Have not less than five years' experience in the practice of nursing;

(4) Have not less than two years' experience instructing in an approved course of practical nursing education;

(5) Be engaged actively in instructing practical nurses in an approved course at the time of her appointment.

Compensation and expenses of Supervisor.

SEC. 12. The Director shall fix the compensation and provide for the necessary travel expenses for said Supervisor of Practical Nurse Education and shall provide such clerical assistance as said Director may deem necessary.

Clerical assistance.

Director to pay expenses and compensation of Board members.

SEC. 13. The Director shall provide each member of the Board with necessary traveling expenses and shall pay to the board members the compensation as provided herein.

SEC. 14. The license of any person granted pursuant to this act may be suspended for a limit of time or revoked by the Director for any of the following causes that shall be deemed to be unprofessional conduct within the meaning of this act: (1) The employment of fraud, misrepresentation or deception in obtaining any such license;

(2) Conviction of a crime involving moral turpitude;

(3) Chronic alcoholism or habitual use of drugs;

(4) Impersonation of a registered professional nurse;

(5) Violation of any of the provisions of this act.

Suspension and revocation of licenses.

Causes.

SEC. 15. Proceedings to revoke or suspend any license granted pursuant to this act may be instituted by the Director on his own complaint, or on the verified complaint of any person filed with the Director. Such complaint shall set forth the facts constituting the grounds for which said license shall be revoked or suspended. The Board of Directors provided for in this act, together with the Director, shall constitute a committee to hear and determine the charges and make findings of fact and conclusions. The Director shall serve upon the licenseholder against whom the complaint is made a notice in writing twenty (20) days prior to the date set for the hearing, which notice shall specify the offense with which said person is charged, shall contain a copy of the complaint, and shall state the time and place of hearing. All hearings shall be held in Olympia unless the Director shall fix a different place. Said notice may be served by registered mail addressed to the licenseholder at his or her address last known to the Director. The Director shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have an opportunity to defend and to have counsel and may

Proceedings for revocation and suspension.

Complaint.

Contents of complaint.

Committee to hear and determine.

Notice of hearing.

Contents of notice.

Place of hearing.

Service of notice.

Subpoenas.

Rights of accused.

Service of subpoenas.	have such subpoenas as he or she may desire, issued by the Director. Subpoenas shall be served in the same manner as in civil cases in the Superior Court.
Depositions.	Witnesses shall testify under oath, administered by the Director. Testimony may be taken by deposition under such rules as the Director may prescribe.
Findings of fact and conclusions.	The Committee shall hear and determine the charges and shall make findings of fact and conclusions upon the evidence produced, and shall file the same in the Director's office. The Director shall serve a copy of said findings and conclusions by registered mail upon the accused. The revocation or suspension of a license to practice shall be in writing and signed by the Director, and shall state the grounds upon which such order is based. The accused person shall have the right to appeal from such order to the Superior Court of Thurston County within twenty (20) days after a copy of such order is served upon such person, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. On such appeal the entire record laid before the Committee shall be certified by the Director to said Superior Court, and the review on appeal shall be confined to the evidence and exhibits introduced at the hearing before the Committee. An appeal shall lie to the Supreme Court from the judgment of the Superior Court in the manner provided by law in civil cases.
Copy of findings and conclusions served on accused.	
Order of revocation or suspension.	
Appeal to Superior Court.	
Review.	
Appeal to Supreme Court.	
Rules and regulations.	<p>SEC. 16. The Director shall adopt such rules and regulations as he shall deem necessary for carrying this act into effect and shall keep a register of the names of all persons licensed under this act, which register shall be open to the public for inspection at all reasonable times.</p>
Register of licensees.	
Scope of Act.	<p>SEC. 17. This act shall not be construed as conferring authority to practice medicine or surgery, or to practice as a registered nurse, or to undertake the treatment or cure of disease, pain, injury, de-</p>

formity or physical condition; nor shall it be construed as prohibiting the care of the sick when done in connection with the practice of religious tenets of any church by adherents thereof, in caring for adherents thereof or caring for a patient of any drugless doctor.

SEC. 18. It shall be a misdemeanor for any person to practice nursing as a licensed practical nurse in this state unless such person shall have first obtained a license from the Board: *Provided*, That nothing in this act shall prohibit any person from nursing the sick for hire who does not in any way assume or represent himself or herself to be a "licensed practical nurse, abbreviated L.P.N."

Penalty for violations.

Proviso.

SEC. 19. Should any section of this act, or any portion of any section, for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Partial invalidity.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 223.

[H. B. 419.]

RECORDING OF DOCUMENTS AND PUBLIC AND PRIVATE RECORDS.

AN ACT to authorize the recording of documents and public and private records.

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

SECTION 1. The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board or business to be photographed, micro-

Records required or authorized by law may be photographed, photostated, etc.

photographed, photostated or reproduced on film for all purposes of recording documents, plats, files or papers, or copying or reproducing such records. Such film or reproducing material shall be of permanent material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details, and shall be approved for the intended purpose by the State Auditor.

Reproducing material to be permanent.

Approval by Auditor.

Copies shall be deemed to be original records.

SEC. 2. Such photostatic copy, photograph, micro-photograph or photographic film record, or copy of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all Courts or administrative agencies. A facsimile, exemplification or certified copy thereof shall, for all purposes recited herein, be deemed to be a transcript, exemplification or certified copy of the original.

"Business" defined.

SEC. 3. For the purpose of this act, the term "business" shall mean and include business, industry, profession, occupation and calling of every kind.

Vetoed.

SEC. 4. Whenever such photostatic copies, photographs, microphotographs or reproductions on film shall be placed in conveniently accessible files and provisions made for preserving, examining and using same, the said head of a state department, commission, bureau or board, county office or department, or city office or department may certify those facts to the State Auditor, who shall have the power to authorize forthwith, the disposal, archival storage or destruction of such records or papers.

Passed the House March 2, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 21, 1949, with the exception of Section 4, which is vetoed.

CHAPTER 224.

[H. B. 406.]

TAX EXEMPTIONS—BRIDGES AND THEIR APPROACHES.

AN ACT providing for exemption from taxes of bridges and their approaches constructed over bodies of water which form interstate boundaries.

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

SECTION 1. Any bridge, including its approaches, over rivers or bodies of water forming interstate boundaries, which bridge has been constructed or acquired and is being operated by any foreign state bordering upon such common interstate boundary, or which has been constructed or acquired and is being operated by any county, city or other municipality of such foreign state, shall be exempt from all property and other taxes in the State of Washington, if the foreign state exempts from all taxation any bridge or bridges constructed or acquired and being operated by the State of Washington or any county, city or other municipality thereof.

Bridges of foreign states over interstate boundaries are tax exempt.

Proviso.

Passed the House February 23, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 225.

[H. B. 100.]

ESTABLISHING OF PRIMARY AND SECONDARY STATE HIGHWAYS.

AN ACT relating to public highways; creating, establishing and describing certain primary and secondary state highways, and amending section 2, 14, 16, 17, 18 and 19, chapter 190, Laws of 1937, and amending section 7, chapter 190, Laws of 1937, as amended.

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

Amendment.

SECTION 1. Section 16, chapter 190, Laws of 1937, is amended to read as follows:

Primary State Highway No. 16 or Methow Valley Highway.

Section 16. A primary state highway to be known as Primary State Highway No. 16, or the Methow Valley Highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on Primary State Highway No. 10, thence in a northerly direction by the most feasible route by way of Twisp to Mazama; also beginning at a point in the vicinity south of Twisp on Primary State Highway No. 16, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 10 in the vicinity south of Okanogan.

Amendment.

SEC. 2. Section 17, chapter 190, Laws of 1937 (6401-17 Rem. Rev. Stat.), is amended to read as follows:

Primary State Highway No. 17 or Cascade Wagon Road.

Section 17. A primary state highway to be known as Primary State Highway No. 17, or the Cascade Wagon Road, is hereby established according to description as follows: Beginning in the vicinity of Marblemount in Skagit County, thence in an easterly direction by the most feasible route by way of Diablo Dam to a junction with Primary State Highway No. 16 in the vicinity of Mazama.

Amendment.

SEC. 3. Section 2, chapter 190, Laws of 1937, as last amended by section 1, chapter 5, Laws of 1939, is amended to read as follows:

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 Washington 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; also from a junction at a point approximately four miles west of North Bend in a general southwesterly direction by the most direct and feasible route by way of Auburn to a junction with State Road No. 1 in the vicinity of Milton.

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

SEC. 4. Section 14, chapter 190, Laws of 1937 (6401-14, Rem. Rev. Stat., Vol. 7A), is amended to read as follows: Amendment.

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 de-

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

scription 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 Gig Harbor; 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; also from a junction in the vicinity of Colby to the ferry landing at Manchester.

Amendment. SEC. 5. Section 19, chapter 190, Laws of 1937, is amended to read as follows:

Primary State Highway No. 21 or Kitsap Peninsula Highway.

Section 19. A primary state highway to be known as Primary State Highway No. 21, or the Kitsap Peninsula Highway, is hereby established according to description as follows: Beginning at Kingston, thence westerly and northerly by the most feasible route by way of Port Gamble, thence southerly by the most feasible route by way of the vicinity of Poulsbo and Bremerton to a junction with Primary State Highway No. 14, in the vicinity of Tide-water Creek; also beginning at Keyport, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 21, as herein described; also beginning at Lofall on Hood Canal, thence by the most feasible route to a connection with Primary State Highway No. 21, as herein described.

Amendment. SEC. 6. Section 18, chapter 207, Laws of 1937, is amended to read as follows:

Braniches of Primary State Highway No. 21.

Section 18. Secondary state highways as branches of Primary State Highway No. 21 are hereby established according to designation and description as follows:

Secondary State Highway No. 21A.

(a) Secondary State Highway No. 21A; beginning at a junction with Primary State Highway No. 21 in the vicinity north of Poulsbo, thence in a south-

easterly direction by the most feasible route across Agate Pass to the north end of Bainbridge Island, thence in a southerly direction by the most feasible route to the vicinity of Winslow;

(b) Secondary State Highway No. 21B; beginning at Keyport on Primary State Highway No. 21, thence in a southerly direction by the most feasible route to East Bremerton.

Secondary
State High-
way No. 21B.

SEC. 7. Section 7, chapter 190, Laws of 1937 (sec. 6401-7, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 7. A primary state highway to be known as Primary State Highway No. 7, or the North Central Highway, is hereby established according to description as follows: Beginning at Ellensburg on Primary State Highway No. 3, thence in an easterly direction by the most feasible route by way of Vantage Bridge, thence in a northeasterly direction by the most feasible route by way of Quincy, Ephrata and Odessa to Davenport on Primary State Highway No. 2; also beginning at a point on Primary State Highway No. 7, as herein described, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with Primary State Highway No. 2 west of Coulee City; also beginning at a junction with Primary State Highway No. 18 in the vicinity of Burke Junction, thence in a north-easterly direction by the most feasible route to a junction with Primary State Highway No. 7, as herein described, in the vicinity west of Ephrata.

Primary
State High-
way No. 7
or North
Central
Highway.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 226.

[H. B. 159.]

PUBLIC ACCOUNTING ACT.

AN ACT to be known as the "Public Accounting Act of 1949," relating to and regulating the practice of public accountancy; establishing the Board of Accountancy of the State of Washington and prescribing its powers and duties; providing penalties; and repealing chapter 72, Laws of 1903, chapter 41, Laws of 1937, and chapter 56, Laws Extraordinary Session, 1933.

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

Board of Accountancy created.

Members.

Qualifications of three of Board members.

Terms of office.

Qualifications of fourth member.

SECTION 1. There is hereby created a board to be known as the Board of Accountancy of the State of Washington, hereinafter called the "Board." The Board shall consist of five members to be appointed by the Governor, and all the members of the first Board shall be appointed within thirty days after the effective date of this act.

SEC. 2. Three of the members of the Board shall be citizens of the United States and residents of the State of Washington who hold certificates as Certified Public Accountants issued under the laws of this state and who are and have been continuously during the preceding ten years in active practice in this state as Certified Public Accountants. The persons first to be appointed as such members of the Board shall hold office, one for one year, one for two years, and one for three years, from the effective date of this act, the term of each to be designated by the Governor. Thereafter, appointments of each of these three members shall be for terms of three years, but no person shall be eligible for reappointment who has served two consecutive three-year terms.

SEC. 3. The fourth member of the Board shall be a citizen of the United States residing in the State of Washington who holds a license as a Licensed Public Accountant issued under the laws of this state

but who does not hold a certificate as a Certified Public Accountant and who is and has been continuously during the preceding five years in active practice in this state as a Licensed Public Accountant: *Provided, however,* That after the Licensed Public Accountants registered under this act as hereinafter provided shall have decreased in number to ten, no person shall be eligible for appointment as such fourth member unless he possesses the qualifications hereinabove prescribed for the first three members. The person first to be appointed as such fourth member of the Board shall hold office for two years from the effective date of this act. Thereafter, appointments as such fourth member shall be for a term of two years, but no person shall be eligible for re-appointment who has served two consecutive terms.

Proviso.

Term of office.

SEC. 4. The fifth member of the Board shall be a citizen of the United States residing in the State of Washington who does not hold a certificate as a Certified Public Accountant or a license as a Licensed Public Accountant and who is and has been continuously during the preceding five years in active practice in this state as a Public Accountant. The person first to be appointed as such fifth member of the Board shall hold office for a term of three years from the effective date of this act. Thereafter, appointments as such fifth member shall be for a term of two years, but no person shall be eligible for re-appointment who has served two consecutive terms. After such initial three year term the fifth member of the Board shall likewise be a citizen of the United States residing in the State of Washington who holds a license as Licensed Public Accountant issued under the laws of this state, but who does not hold a certificate as a Certified Public Accountant, and who is and has been continuously during the preceding five years in active practice in this state as a Licensed Public Accountant: *Provided, however,* That after

Qualifications of fifth member.

Term of office.

Proviso.

the Licensed Public Accountants registered under the act shall have decreased in number to five, no person shall be eligible for appointment as such fifth member unless he possesses the qualifications hereinabove prescribed for the first three members.

Vacancy.

SEC. 5. Each member shall continue to serve until a successor shall have been appointed and shall have qualified. Vacancies in the membership of the Board occurring during a term shall be filled by appointment by the Governor for the unexpired term. The Governor may remove any member of the Board for misconduct, incompetency or neglect of duty.

Removal.

Officers of Board.

Powers.

Majority a quorum.

Board may hire personnel.

SEC. 6. The Board shall elect annually a chairman, vice-chairman and a secretary. The Board may adopt, and amend from time to time, rules and regulations for the orderly conduct of its affairs and for the administration of this act. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall keep records of its proceedings which shall be open for public inspection. The Board may hire such employees as are necessary to assist it in the performance of its duties and the keeping of its records.

Salary of Board members.

Expenses.

SEC. 7. Each member of the Board shall be paid twenty-five dollars for each day or portion thereof spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses incurred in the discharge of such duties.

Board to receive applications and shall make investigations.

SEC. 8. The Board shall receive applications for certificates of Certified Public Accountants and for licenses of Licensed Public Accountants, shall investigate the qualifications of the applicants and shall instruct the Director of Licenses to issue the appropriate certificates or licenses to those properly qualified as provided in this act.

SEC. 9. The Board shall have printed and published for public distribution, in January of each year, an annual register which shall contain the names, arranged alphabetically by classification, of all persons holding permits to practice the profession of public accounting in this state.

Board to publish register of licensees.

SEC. 10. The Board shall file an annual report of its activities with the Governor.

Annual report.

SEC. 11. The certificate of "Certified Public Accountant" shall be issued by the Director of Licenses upon the authority of the Board, to any person (a) who is a citizen of the United States or who has duly declared his or her intention of becoming a citizen, and (b) who is a resident of this state or who has a place of business or is employed in this state, and (c) who has attained the age of twenty-one years, and (d) who is of good moral character, and (e) who shall have successfully passed a written examination in theory of accounts, in accounting practice, in auditing, in commercial law as affecting public accounting, and in such other related subjects as the Examining Committee may designate, and (f) who meets the requirements of education and experience of any one of the following subdivisions:

Requirements for certificate of Certified Public Accountant.

(1) Who is a graduate of a college or university recognized by the Board, and who has completed sixty or more quarter hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least forty-five quarter hours or the equivalent thereof shall be in the study of accounting, and who has been engaged in practice as a Public Accountant, or in the employ as a Staff Accountant of a Public Accountant, Licensed Public Accountant, or Certified Public Accountant, for at least one year; or

Education and experience requirements.

(2) Who is a graduate of a college or university recognized by the Board but who has not completed the hours of study and subjects specified in sub-

Business school accounting.

division (1) of clause (e) of this section, or who is a graduate of an established resident school of business or accounting which offers courses of study in accounting, business law, economics and finance and who is a graduate of a high school with a four-year course or who has acquired an equivalent education, and who has been engaged in practice as a Public Accountant, or in the employ as a Staff Accountant of a Public Accountant, Licensed Public Accountant, or Certified Public Accountant, for at least one year more than in the preceding subdivision.

Non-college or business school accounting.

(3) Who is a graduate of a high school with a four-year course or who has acquired an equivalent education, and who has been engaged in practice as a Public Accountant, or in the employ as a Staff Accountant of a Public Accountant, Licensed Public Accountant, or Certified Public Accountant, for at least four years.

Examining Committee.

SEC. 12. The members of the Board who hold certificates as Certified Public Accountants shall constitute the Examining Committee. This Committee shall hold written examinations of applicants for certificates as Certified Public Accountants at least semi-annually at such time and place as applications and circumstances may warrant.

Examinations.

Examination prior to experience.

SEC. 13. A candidate for a certificate who meets the educational requirements in subdivisions (1), (2), or (3) of clause (f) of section 11, if he so elects, shall be examined by the Examining Committee prior to the time such candidate has acquired the experience required under these subdivisions: *Provided, however,* That the certificate shall not be issued until the experience requirements shall have been complied with.

Proviso.

SEC. 14. The examinations shall be such as in the opinion of the Examining Committee are reasonable and proper, and the Examining Committee

shall, so far as is practicable, use the examination and the grading services of the American Institute of Accountants.

Examinations to be fair and reasonable.

SEC. 15. A candidate who fails an examination shall have the right to take succeeding examinations as many times as he may choose. A candidate who receives a passing grade in at least one subject shall have the right to be re-examined only in the remaining subjects at subsequent examinations, provided that he takes an examination at least once each year thereafter, and if such candidate receives a passing grade in the remaining subject or subjects he shall be deemed to have passed the entire examination. Any person who has passed an examination given by the Director of Licenses prior to the effective date of this act in any of the subjects mentioned in section 11 (e) above, shall not be required to pass an examination in the same or similar subject as a part of the examination provided for herein, and such person shall be given full credit for having passed that subject for the purposes of this act, provided he has taken examinations in the remaining subjects at least once each year after so passing the examination given by the Director of Licenses. The Board may for good cause shown, waive the requirement that a candidate must have taken an examination at least once a year. An application for examination or re-examination in any subject shall be accompanied by a fee of twenty-five dollars.

Candidate who fails may retake examination.

May be taken in parts.

Candidates who have passed subjects prior to this act.

Board may waive requirements.

Fees for examinations.

SEC. 16. Any candidate who, prior to the passage of this act, has applied to take an examination, or held a valid license as a Licensed Public Accountant or was regularly enrolled in any college or correspondence course in accounting, or any person whose registration under this act is accepted by the Board, will be issued a certificate as a Certified Public Accountant when he has met either the requirements of this act, or the requirements which were in effect

Prior applicants for examination.

immediately prior to the passage of this act, or the requirements which were effective at the time his first application was filed at the candidate's choice.

Conditions under which non-resident certified or licensed accountant may practice in this state.

SEC. 17. The Board shall authorize the issuance of a certificate as Certified Public Accountant to any person who is the holder of a certificate, license, permit or degree authorizing him to practice as a Certified Public Accountant in any state, territory, or possession of the United States, providing the requirements which such person had been called upon to meet in order to obtain such certificate, license, permit or degree were at least the equivalent of those for obtaining a certificate to practice as a Certified Public Accountant in this state: *And provided, further,* That such state, territory or possession makes similar provision to authorize a person who holds a valid certificate to practice in this state as a Certified Public Accountant to practice in such state, territory or possession as a Certified Public Accountant.

Reciprocity.

Certified Public Accountants status unchanged by act.

SEC. 18. Any person who at the effective date of this act holds a valid certificate to practice public accounting in this state as a Certified Public Accountant shall not be required to meet the requirements set forth herein and shall be considered to be the holder of a valid certificate to practice as a Certified Public Accountant in this state under this act, and shall be subject to all the provisions of this act.

Certified Public Accountant partnerships must register.

SEC. 19. The Director of Licenses shall register a partnership as a partnership of Certified Public Accountants if the partnership meets the following requirements: (a) At least one partner must hold a valid certificate to practice in this state as a Certified Public Accountant;

Requirements.

(b) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a Certified Public Accountant; and

(c) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as a Certified Public Accountant in a state, territory, or possession of the United States;

(d) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a Certified Public Accountant; and

(e) The application for registration as a partnership of Certified Public Accountants must be approved by the Board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a Certified Public Accountant. A notice of amendment shall be filed with the Board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of ten dollars must accompany the original application, and a fee of five dollars must accompany each notice of amendment.

Application for registration of partnership.

Fee for registration.

SEC. 20. Any person who has been registered as a public accountant under the provisions of this act, and who has been continuously engaged in the practice of public accounting as his principal occupation since such registration may, within three years after the effective date of this act, make application for a license to practice as a Licensed Public Accountant, accompanied by a fee of twenty-five dollars. If the Board determines that such person then meets all of the requirements for becoming a Licensed Public Accountant under the law in effect prior to the effective date of this act, the Director of Licenses shall issue a license to such person to practice as a Licensed Public Accountant. No person other than one qualifying under this paragraph shall be issued a license to practice as a Licensed Public Accountant after the effective date of this act, except as is provided in section 35 of this act.

Public Accountants may apply for license as Licensed Public Accountant.

Fee for license.

Issuance of license.

Persons already licensed need not apply.

Any person who, at the effective date of this act, holds a valid license to practice public accounting in this state as a Licensed Public Accountant shall not be required to again qualify as provided for herein and shall be considered to be the holder of a license to practice as a Licensed Public Accountant under this act, and the holder thereof shall be subject to all the provisions of this act.

Licensed Public Accountants partnership must register.

SEC. 21. The Director of Licenses shall register a partnership as a partnership of Licensed Public Accountants if the partnership meets the following requirements: (a) At least one general partner must hold a valid certificate to practice in this state as a Certified Public Accountant or a valid license to practice in this state as a Licensed Public Accountant;

Requirements.

(b) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a Certified Public Accountant or a valid license to practice in this state as a Licensed Public Accountant;

(c) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as either a Certified Public Accountant or a Licensed Public Accountant in a state, territory, or possession of the United States;

(d) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a Certified Public Accountant or a valid license to practice in this state as a Licensed Public Accountant; and

(e) The application for registration as a partnership of Licensed Public Accountants must be approved by the Board.

Application for registration of partnership.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a Certified Public Accountant or a valid license to prac-

tice in this state as a Licensed Public Accountant. A notice of amendment shall be filed with the Board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of ten dollars must accompany the original application, and a fee of five dollars must accompany each notice of amendment.

SEC. 22. The Board shall appoint three persons who shall constitute the Public Accountants' Registration Committee. One of these members shall be a Public Accountant in practice in this state who does not hold a license to practice as a Licensed Public Accountant or a certificate to practice as a Certified Public Accountant, one member shall be a person holding a valid license to practice as a Licensed Public Accountant and one member shall be a person holding a valid certificate to practice as a Certified Public Accountant. Each of the members must be and have been continuously during the five years preceding his appointment, in active practice as a Public Accountant in this state.

The Committee may adopt, and amend from time to time, rules and regulations for the orderly conduct of its affairs and for the administration of this act. Each member of the Committee shall be paid twenty-five dollars for each day or portion thereof spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses incurred in the discharge of such duties.

SEC. 23. Any person (a) who is a resident of this state, or who has a place of business or is employed in this state, and (b) who is of good moral character and (c) who meets the requirements of subdivision (1) or (2) or (3) of this section may apply for registration as a Public Accountant:

(1) Persons who held themselves out to the public as Public Accountants, and who were engaged within this state at the effective date of this act in the

Fee.

Public Accountants Registration Committee.

Qualifications of members.

Powers of Committee.

Salary.

Expenses.

Qualifications of Public Accountants.

practice of public accounting as their principal occupation;

(2) Staff Accountants employed by Certified Public Accountants or by Licensed Public Accountants or by Public Accountants and regularly assigned to accounting engagements at the effective date of this act; and

(3) Persons serving in the armed forces of the United States or any of the United Nations, who immediately prior to entering such service were residents of this state and held themselves out to the public as Public Accountants and who were engaged in the practice of public accounting as their principal occupation, or who were employed as Staff Accountants by Certified Public Accountants or by Licensed Public Accountants or by Public Accountants and regularly assigned to accounting engagements. In the case of any such person serving in the armed forces of the United States or any of the United Nations on the effective date of this act, the time for registration provided for herein shall be extended for a period of twelve months from the time such person is honorably discharged from such service.

Fee for registration.

The application for registration must be filed on or before sixty days after the effective date of this act, accompanied by a fee of twenty-five dollars.

Committee to determine eligibility of applicants.

SEC. 24. The Public Accountants' Registration Committee shall in each case determine whether the applicant is eligible for registration, promptly notifying the applicant of its determination by registered mail. An application which is approved by the Public Accountants' Registration Committee shall be reviewed by the Board, and if it be approved by the Board, the Director of Licenses shall register the applicant as a Public Accountant.

Review by the Board.

Such registration shall cease to be effective if the registrant fails to either apply for, or meet the re-

quirements for, a license to practice as a Licensed Public Accountant as provided in section 20.

SEC. 25. Any person whose application has not been approved by the Public Accountants' Registration Committee may appeal to the Board for a review within sixty days after notification of disapproval is mailed to him. The Board will arrange a hearing as provided in section 31 of this act, at which the applicant may produce arguments and additional evidence to substantiate his application. The decision of the Board shall be final, except for review as provided in section 31.

Appeal to Board for review.

Decision of the Board final.

SEC. 26. The Director of Licenses shall register a partnership as a partnership of Public Accountants if the partnership meets the following requirements: (a) At least one general partner must hold a valid certificate to practice in this state as a Certified Public Accountant, a valid license to practice in this state as a Licensed Public Accountant, or be a Registered Public Accountant of this state;

Public Accountants partnership must register.

Requirements.

(b) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a Certified Public Accountant or a valid license to practice in this state as a Licensed Public Accountant, or be a Registered Public Accountant of this state;

(c) Each partner must be duly authorized by a certificate, license, permit, degree or registration to practice as either a Certified Public Accountant, a Licensed Public Accountant, or a Public Accountant in a state, territory or possession of the United States;

(d) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in the state as a Certified Public Accountant or a valid license to practice in this state as a Licensed Public Accountant or be a Registered Accountant of this state; and

(e) The application for registration as a partnership of Public Accountants must be approved by the Board.

Application for registration of partnership.

SEC. 27. Application for registration shall be in writing sworn to by a partner of the applicant partnership who holds a certificate to practice in this state as a Certified Public Accountant or a license to practice in this state as a Licensed Public Accountant or is a Registered Public Accountant of this state. A notice of amendment shall be filed with the Board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of ten dollars shall accompany the original application and a fee of five dollars shall accompany each notice of amendment.

Fee for registration.

Annual permit to practice public accounting.

SEC. 28. The Director of Licenses shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license or registration, and to any candidate for a certificate as a Certified Public Accountant who has passed the entire examination given by the Examining Committee as provided in section 11. Such permits shall expire on the thirtieth day of June of each year, except that the first permit shall expire on June 30th, 1950. The fee for a permit to practice public accounting in this state for the initial period ending June 30th, 1950 shall be ten dollars and thereafter the annual renewal fee shall be ten dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

Expiration date of permits.

Fee for permit.

Effect of failure to renew permit.

- SEC. 29. Upon complying with the provisions of section 31 of this act the Board may revoke or suspend any certificate issued under section 11 of this act, or any license issued under section 20 of this act, or any registration under sections 22 through 25 of this act, or may revoke, suspend or refuse to renew any annual permit issued under section 28 of this act for any one or any combination of the following causes: (a) The practice of any fraud or deceit in obtaining a certificate as a Certified Public Accountant, or a license as a Licensed Public Accountant, or in obtaining registration under this act, or in obtaining an annual permit under this act;
- (b) Dishonesty, fraud or gross negligence in the practice of public accounting;
- (c) Violation of any of the provisions of section 33 of this act;
- (d) Repeated violation of the rules of professional conduct promulgated by the Board under the authority granted by section 8 of this act, after warning by the Board that such continued violation will constitute grounds for proceedings hereunder;
- (e) Conviction of a felony under the laws of any state or of the United States;
- (f) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States;
- (g) Cancellation, revocation, suspension, or refusal of renewal of the authority to practice as a Certified Public Accountant, as a Licensed Public Accountant, or as a Public Accountant in any of the United States; or
- (h) Failure by any person not a citizen of the United States to become a citizen within six years from the date he receives a certificate as a Certified Public Accountant or a license as a Licensed Public Accountant as provided in this act.

Board may revoke or suspend any certificate, license, or registration.

Causes for revocation or suspension of annual permits.

Revocation or suspension of rights of partnerships.

SEC. 30. Upon complying with the provisions of section 31 of this act the Board may revoke or suspend the right of any partnership to practice public accounting in this state for any of the following causes: (a) The revocation or suspension of the certificate, license, or registration of any partner or the revocation, suspension or refusal of renewal of the annual permit of any partner under this act; or

Causes for revocation or suspension.

(b) The cancellation, revocation, suspension or refusal of renewal of the authority of the partnership or any partner thereof to practice public accounting in any state.

Initiation of proceedings for revocation or suspension.

SEC. 31. (a) Proceedings for the revocation or suspension of the certificate, license, or registration of any person or partnership may be initiated by the Board on its own motion or by the filing with the Board of a statement of charges sworn to by the person making the charges;

Date of hearing to be set.

(b) Unless the charge or charges be dismissed by the Board as unfounded or trivial, the Board shall set a date for hearing not later than ninety days after the proceedings are initiated. A copy of the charge or charges, together with a notice of the time and place of hearing before the Board shall be served on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the Board not less than thirty days prior to the date set for the hearing;

Notice of hearing and charges.

Failure of accused to appear.

(c) If after having been so served with a notice of hearing, the accused fails to appear at said hearing, the Board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which order shall be final unless the accused petitions for a review thereof: *Provided, however,* That within thirty days from the date of any such order upon a showing of good cause for failing to appear, the Board may reopen said pro-

Hearing may be reopened for good cause.

ceedings and may permit the accused to submit evidence in his behalf;

(d) At any hearing the accused may appear in person and by counsel may produce evidence and witnesses on his own behalf, and may cross-examine such witnesses as may appear against him. The accused shall be entitled on application to the Board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his behalf;

Right of accused to counsel, witnesses, and subpoenas.

(e) The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs and receive exhibits in evidence in connection with or upon hearing under this act. In case of disobedience to a subpoena the Board may invoke the aid of any Court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

Powers of Board at hearings.

Board may invoke aid of Courts.

(f) The Board shall not be bound by technical rules of evidence;

(g) The Director of Licenses shall revoke or suspend any certificate, license, or registration issued or permitted under this act, upon the order of the Board, adopted by a majority of the whole Board after proceedings under this section; and

Revocation or suspension by Director of Licenses.

(h) Any person adversely affected by any action of the Board may obtain a review thereof by filing a written petition for review in the Superior Court of the county in which he resides within thirty days after the entry of such order. The Court will hear the matter de novo, and may sustain, modify or set aside the Board's order in whole or in part, or may remand the matter to the Board for further action, and may, in its discretion, stay the effect of the Board's order pending its determination of the case. The Court's decision shall have the force and effect of a decree in equity.

Review to Superior Court.

Court to hear matter de novo.

Board may
reissue
permit,
license, or
certificate.

SEC. 32. The Director of Licenses, upon the authority of the Board, may reissue the certificate of any Certified Public Accountant whose certificate has been revoked, or the license of any Licensed Public Accountant whose license has been revoked, or may permit the re-registration of any person whose registration has been revoked, or may modify the suspension of any person or partnership whose permit to practice public accounting has been revoked or suspended.

Use of title
or abbrevia-
tion of
"CPA" by
persons.

SEC. 33. (a) No person shall assume or use the title or designation "Certified Public Accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a Certified Public Accountant, unless such person is the holder of a valid certificate to practice as a Certified Public Accountant in this state under section 11 of this act and holds a valid permit under section 28 of this act.

By partner-
ships.

(b) No partnership shall assume or use the title or designation "Certified Public Accountants" or the abbreviation "CPA's" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of Certified Public Accountants under section 19 of this act and holds a valid permit issued under section 28 of this act;

Use of title
or abbrevia-
tion of
"LPA" by
persons.

(c) No person shall assume or use the title or designation "Licensed Public Accountant" or the abbreviation "LPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such a person is a Licensed Public Accountant, unless such person is the holder of a license to practice as a Licensed Public Accountant

under section 20 of this act and holds a valid permit issued under section 28 of this act;

(d) No partnership shall assume or use the title or designation "Licensed Public Accountants" or the abbreviation "LPA's" or any other title, designation, words, letters, abbreviation, card, or device tending to indicate that such partnership is composed of Licensed Public Accountants, unless such partnership is registered as a partnership of Licensed Public Accountants under section 21 of this act and holds a valid permit issued under section 28 of this act;

By partner-
ships.

(e) No person shall assume or use the title or designation "Public Accountant" or the abbreviation "PA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a Public Accountant, unless such person is the holder of a certificate to practice as a Certified Public Accountant under section 11 of this act, or is the holder of a license to practice as a Licensed Public Accountant under section 20 of this act, or is registered as a Public Accountant under section 23 of this act, and holds a valid permit issued under section 28 of this act;

Use of title
or abbrevia-
tion of "PA"
by persons.

(f) No partnership shall assume or use the title or designation "Public Accountants" or the abbreviation "PA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of Public Accountants, unless such partnership is registered as a partnership of Certified Public Accountants under section 19 of this act, or as a partnership of Licensed Public Accountants under section 21 of this act, or as a partnership of Public Accountants under section 26 of this act, and holds a valid permit issued under section 28 of this act;

By partner-
ships.

(g) No person, partnership or corporation shall assume or use the title or designation "Certified Accountant," "Chartered Accountant," "Enrolled Ac-

Use of cer-
tain other
titles for-
bidden.

countant," "Licensed Accountant," "Registered Accountant," or any other title or designation likely to be confused with "Certified Public Accountant," "Licensed Public Accountant," and "Public Accountant" or the abbreviations "CA," "EA," or "LA," or similar abbreviations likely to be confused with "CPA," or "LPA," or "PA";

Signature by non-permit holder to financial statements forbidden.

(h) No person shall sign or affix his name with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing, to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he holds a valid permit issued under section 28 of this act: *Provided, however,* That the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such;

Certain persons excepted.

Public officials excepted.

Signature of a partnership name by non-permit holder to financial statements forbidden.

(i) No person shall sign or affix a partnership name, with any wording indicating that it is a partnership composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership holds a valid permit issued under section 28 of this act; and

Corporate name.

(j) No person shall sign or affix a corporate name, with any wording indicating that it is a corporation performing services as accountants or auditors or composed of accountants or auditors or persons having expert knowledge in accounting or auditing to

any accounting or financial statement, or to any report on or certificate to any accounting or financial statement.

SEC. 34. Nothing contained in this act shall prohibit any person not a Certified Public Accountant or Licensed Public Accountant, or a Registered Public Accountant from serving as an employee of, or as assistant to, a Certified Public Accountant or Licensed Public Accountant or Public Accountant or partnership composed of Certified Public Accountants or Licensed Public Accountants or Public Accountants holding a valid permit to practice under section 28 of this act: *Provided*, That such employee or assistant shall not issue any accounting or financial statement over his or her name.

Employees of accountants.

Nothing in this act shall prohibit a Certified Public Accountant or a Licensed Public Accountant, or a Public Accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

Practice by non-resident licensed accountants.

Nothing in this act shall prohibit a candidate for a certificate as a Certified Public Accountant, who has passed the entire examination given by the Examining Committee as provided in section 11 of this act, from engaging in practice as a Public Accountant for the period of time necessary to acquire the experience required before such a certificate may be issued, provided such person holds a valid permit to practice issued under section 28 of this act.

Candidate for CPA who has passed entire exam may practice.

Nothing contained in this act shall prohibit any corporation which at the effective date of this act has been legally organized in the State of Washington or authorized to do business therein or has engaged in the practice of public bookkeeping and accounting for a period of at least three (3) years prior to such

Accounting corporations engaged in prior practice.

effective date, from continuing such practice under its corporate form and arrangement.

Vetocd.

Nothing in this act shall prohibit any person who is a graduate in the field of accounting of any college or university duly authorized by the state to grant degrees, or school approved by the Board, from engaging in public accounting work and nothing in this act shall prevent him from obtaining a license to practice as a Licensed Public Accountant, and the Director is hereby expressly authorized to issue a license to such persons to practice as a Licensed Public Accountant.

Board may apply for injunction against violations of section 33, supra.

SEC. 35. Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of section 33 of this act, the Board may make application to the appropriate Court for an order enjoining such acts or practices and upon a showing by the Board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate may be granted by such Court.

Penalty for violations

SEC. 36. Any person who violates any provision of section 33 of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment. Whenever the Board has reason to believe that any person is violating the provisions of this act it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person. Nothing herein contained shall be held to in any way affect the power of the Courts to grant injunctive or other relief as above provided.

SEC. 37. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "Certified Public Accountant" or any abbreviation thereof, or "Licensed Public Accountant" or any abbreviation thereof, or "Public Accountant" or any abbreviation thereof, shall be prima facie evidence in any action brought under section 35 or 36 of this act that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device, and that such person is holding himself out to be a Certified Public Accountant or a Licensed Public Accountant or a Public Accountant holding a permit to practice under section 28 of this act. In any such action evidence of the commission of a single act prohibited by this act shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Evidence to support injunctions or convictions.

SEC. 38. In the absence of an express agreement between the Certified Public Accountant, Licensed Public Accountant or Public Accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a Certified Public Accountant, Licensed Public Accountant or Public Accountant incident to or in the course of professional service to clients, except reports submitted by a Certified Public Accountant, Licensed Public Accountant or Public Accountant to a client, shall be and remain the property of such Certified Public Accountant, Licensed Public Accountant or Public Accountant.

Reports and working papers, etc.

SEC. 39. All applications for examinations for certificates as provided in section 11, applications for licenses as provided in section 20, and applications for registrations as provided in sections 19, 21, 22,

Applications shall be filed with Director of Licenses.

and 26, shall be filed with the Director of Licenses, together with the fees in the required amount, and it shall be the duty of the Director of Licenses on the next business day after the receipt of any such application and fee, to transmit the application, accompanied by his duplicate receipt for the fee, to the Board.

Partial
invalidity.

SEC. 40. The provisions of this act are hereby declared to be severable and if any provision of this act shall be held to be unconstitutional it is the legislative intent that such judgment shall not affect any other section or provision thereof.

Repealing
clause.

SEC. 41. Chapter 72, Laws of 1903, chapter 41, Laws of 1937, and chapter 56, Laws Extraordinary Session, 1933, are hereby repealed.

Passed the House March 8, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 21, 1949, with the exception of the last unnumbered item of Section 34, which is vetoed.

CHAPTER 227.

[H. B. 561.]

STATE POWER COMMISSION AND PUBLIC UTILITIES.

AN ACT relating to the conservation, development and utilization of the state's electrical resources and of facilities for the generation, transmission and distribution thereof; creating a state power commission and prescribing its powers and duties with respect to power and power facilities in the state; relating to public utility districts, authorizing such districts to join in the exercise of certain powers vested in individual districts and providing for the joint acquisition of certain utility properties; relating to privilege taxes against, and the payment of certain obligations by, public utility districts, amending section 2, chapter 245, Laws of 1941, as amended, making an appropriation, and declaring an emergency as to section 1 hereof.

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

SECTION 1. Section 2, chapter 245, Laws of 1941, as amended by section 1, chapter 259, Laws of 1947, is amended to read as follows:

Section 2. (a) From and after May 1, 1941, there is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, such tax shall be the sum of the following amounts: (i) two per cent (2%) of the gross revenues derived by said district from the sale of all "distributed energy," i. e., electric energy which it distributes to consumers but neither generates nor purchases from generating districts; (ii) five per cent (5%) of the gross revenues derived by said district from the sale of all "self generated and distributed energy," i. e., the electric energy which it distributes to customers and also generates; and (iii) five per cent (5%) of the gross revenues derived by said district from the sale of "distributed energy purchased from another gen-

Tax levy on
privilege.

Amounts
of levy.

erating district," i. e., electric energy which it distributes to consumers and also purchases from another district which generated the same.

Report to Tax Commission.

(b) On or before the 15th day of March, 1942, and of each year thereafter, each district subject to this tax shall file with the Tax Commission a report verified by the affidavit of its manager or secretary on forms prescribed by the Tax Commission. Such report shall state (1) the taxing districts wherein the operating property of the district is located, (2) as to the entire property and as to each such taxing district, the reproduction cost new and less depreciation of such operating property so far as that information is available from the district's existing records without taking additional inventory or procuring an engineering report or survey, (3) actual cost and general description of operating property purchased or constructed, (4) the district's separately stated gross revenues for the preceding year derived from the sale of each of the three classes of electric energy described in section 2(a), and (5) such other and further information as the Tax Commission reasonably may require in order to administer the provisions of this act. In case of failure by a district to file such report, the Commission may proceed to determine the information, which determination shall be contestable by the district only for actual fraud. The Tax Commission shall proceed to determine the fair cash market value of the operating property of each and all of the districts taxable hereunder as of December 31st last past, and the percentage thereof located in each of the taxing districts wherein such operating property is located.

Contents of report.

Failure to file report.

Computation of tax by Tax Commission.

(c) Prior to May 1, the Tax Commission shall compute the tax imposed by this act for the last preceding calendar year and notify the district of the amount thereof, which shall be payable on or before the following June 1. Upon receipt of the

amount of each tax imposed by this act the Tax Commission shall deposit the same with the State Treasurer, who shall deposit four per cent (4%) thereof in the General Fund of the state and shall distribute the remainder in the manner hereinafter set forth. The State Treasurer shall send a duplicate copy of each such letter of transmittal to the Tax Commission, and the Tax Commission shall instruct the County Treasurer or Treasurers as to the distribution of the money, as hereinafter provided.

Notification and payment.

Four per cent to General Fund.

(d) Immediately after the computation by the Tax Commission of the tax imposed by this act, the Tax Commission shall determine the amount of money which each taxing district in which operating property of the district is located would have received if the levies made in the preceding calendar year for county, city, town, school district and road district purposes, not including excess levies voted by the people, had been applied to the fair cash market value of the district's operating property in the taxing district. These amounts are referred to herein as the "taxing district's tentative tax," their total for all the taxing districts wherein the operating property of a given district is located is referred to herein as such district's "aggregate taxing districts' tentative tax," and their total for any county is herein referred to as the "county districts' tentative tax."

"Taxing district's tentative tax."

"Aggregate taxing district's tentative tax."

"County districts' tentative tax."

With respect to each taxing district in which is located a district's generating plants or transmission lines utilized in the generation or transmission of electric energy sold to other districts, the Tax Commission shall also determine the amount of money which each such taxing district would have received if the levies made for county, city, town, school district and road district purposes, not including excess levies voted by the people, had been

"Taxing district's tentative tax for generation or transmission of energy sold."

applied to the fair cash market value of such generating plants and/or transmission lines in the taxing district. These amounts are referred to herein as the "taxing district's tentative tax for generation or transmission of energy sold" and their total for any county is herein referred to as the "county district's tentative tax for generation or transmission of energy sold."

"County district's tentative tax for generation or transmission of energy sold."

"Contributing district."

Where any district generates electric energy, the whole or any part of which it sells to other districts for distribution to consumers by them, and the remainder, if any, of which it distributes itself to consumers, in such case such selling district and each such purchasing district shall be deemed a "contributing district" and, for the purpose of distribution thereof, sixty per cent (60%) of all the taxes payable by each such contributing district with respect to such electric energy so distributed to consumers shall be pooled by the Tax Commission and distributed to each of the taxing districts in which the generating plants generating such energy or the transmission lines utilized for transmitting such energy are located. Such taxes shall be distributed to each such taxing district in the proportion which its "taxing district's tentative tax for generation or transmission of energy sold" bears to the total of such tentative taxes for all the taxing districts sharing therein.

Sixty per cent shall be pooled.

Distribution to taxing districts.

Proportion.

Distribution of remainder.

Proportion.

The remainder of the taxes collectible from each district hereunder shall be distributed by the Tax Commission to each taxing district in which the operating property of such district is located in the proportion that such "taxing district's tentative tax" bears to said district's "aggregate taxing district's tentative tax": *Provided, however,* That none of such remainder shall be distributed on the basis of any "taxing district's tentative tax for generation and transmission of energy sold."

After deduction therefrom of the state tax of four per cent (4%), the remainder of each such tax payment by any district shall be distributed by the State Treasurer to each county wherein the taxing districts entitled to any portion thereof are located, and shall in turn be distributed by the County Treasurer of each such county to such taxing districts as hereinabove provided. All money received by the county shall be used exclusively for maintenance and operation of the Superior Court and Sheriff's Office of the county; all money received by a city or town shall be expended exclusively for the fire and police departments of the particular city or town to which the same is thus apportioned; all money received by a school district shall be expended exclusively for the public schools in the particular school district to which the same is thus apportioned; all money transmitted to the County Treasurer for road districts shall be expended exclusively for the maintenance and construction of public roads in the particular road districts to which the same is thus apportioned.

Distribution of remainder after four per cent deduction.

Use of money received by county.

By cities and towns.

By school districts.

By road districts.

(e) Interest at the rate of six per cent (6%) per annum shall be added to the tax hereby imposed after the due date. The tax shall constitute a debt to the State of Washington and may be collected as such.

Interest after due date.

(f) As used herein, the term "distributes to consumers" shall mean the sale of electric energy to ultimate consumers thereof, and shall not include sales of electric energy for resale by the purchaser.

"Distributes to consumers" defined.

(g) Whenever any district hereafter acquires an operating property, as defined in section 1 of this act, from any private person, firm, or corporation and a portion of such operating property is situated within the boundaries of any school district and at the time of such acquisition there is an outstanding bonded indebtedness of the school district, then the

Acquiring of operating property situated within school districts with bonded indebtedness.

Additional payments by public utility district.

Amount.

Date of payments.

Voluntary payments.

Joint operation of electric utility properties by districts.

public utility district shall, in addition to the tax imposed by this act, pay directly to such school district a proportion of all subsequent payments by the school district of principal and interest on said bonded indebtedness, said additional payments to be computed and paid as follows: The amount of principal and interest required to be paid by the school district shall be multiplied by the percentage which the assessed value of the property acquired bore to the assessed value of the total property in said school district at the time of such acquisition. Such additional amounts shall be paid by the public utility district to the school district not less than 15 days prior to the date that such principal and interest payments are required to be paid by the school district. In addition, any public utility district which hereafter acquires from any private person, firm, or corporation an operating property situated within a school district, is hereby authorized to make voluntary payments to such school district for the use and benefit of such school district.

SEC. 2. Any two (2) or more public utility districts organized under the provisions of the laws of this state shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all or any part of any electric utility properties which, at the time of the passage of this act, constitutes an inter-connected and physically integrated electric utility system, whether entirely within or partly within and partly without such districts: *Provided*, That any two (2) or more districts so acting jointly, by mutual agreement, shall not acquire any electric utility distribution properties in any other public utility district without the consent of such district, and shall not exercise jointly the

power to condemn any privately owned utility property or any public utility owned by a municipality, to levy taxes or, to create sub-districts.

SEC. 3. The Columbia River and its tributaries within the State of Washington and the rivers flowing from the watersheds of the Cascade and Olympic Mountains, and all other rivers and streams of the State of Washington in so far as they affect the hydroelectric power, are hereby declared to be natural resources of this state, and their development and use by the people of this state and of the United States is declared to be of public benefit. The creation and development of hydroelectric power from such rivers and streams in the interest of the people of this state and such natural resources, including the beds and waters of such rivers, the power and power sites in, upon or adjacent to the watersheds of such rivers, owned or controlled by the people of this state, or which may be recovered by or come within their ownership, possession and control shall always remain inalienable to and ownership, possession and control thereof shall always be vested in, the people of this state. The provisions of this act shall not apply to any river or stream covered by the provisions of chapter 9, Laws of 1949. As this natural resource so declared in this act is directly related with the natural resources of fisheries and game, no permit for construction for the generation of power on any of the waters mentioned in this section shall hereafter be granted by the Supervisor of Hydraulics without the concurrence of the Director of Fisheries and the Director of Game.

Certain rivers and streams are natural resources.

Development is of public benefit.

Ownership vested in people of state and inalienable.

Exemption.

Directors of Fisheries and Game shall concur in granting permits for developments.

SEC. 4. For the purpose of effectuating the policy declared in section 3 of this act and of developing and improving the natural resources of this State of Washington and developing the hydroelectric power resources thereof, there is hereby created a corporate municipal instrumentality of the state to be

Washington State Power Commission created.

known as the "Washington State Power Commission," hereinafter referred to in this section as the "Commission," which shall be a body politic and corporate, a political subdivision of the state, exercising governmental and public powers, may sue and be sued, be perpetual in duration and having the powers and duties hereinafter enumerated, together with such other power as may be conferred upon it by law.

Powers of Commission.

Members of Commission.

SEC. 5. The Commission shall consist of three (3) members appointed by the Governor, with the advice and consent of the Senate; such members of the Commission to serve at the pleasure of the Governor. In making such appointments the Governor shall give due recognition to the varying geographical sections of this state. The members of the Commission shall receive a salary of eight thousand five hundred dollars (\$8,500) per annum, and their necessary traveling and other expenses.

Salaries of members.

Expenses.

Duties of Commission.

SEC. 6. It shall be the duty of the Commission to study, analyze and explore and make reports concerning (a) the development and utilization of hydroelectric power in the state, (b) the present and potential hydroelectric resources of the state, and (c) the utilization and integration of electric facilities and requirements of the state.

Powers of Commission.

Acquisition of real and personal property.

Generate and sell electric energy.

SEC. 7. The Commission shall, and it hereby is, authorized and directed: (a) To acquire by lease, contract, purchase, condemnation or construction, and partly by any or all of such means, all real or personal property necessary to erect or purchase, condemn and operate dams, power houses, transmission lines and to acquire, construct and operate electric transmission systems, standby and auxiliary plants and facilities and to generate, produce, sell at wholesale, transmit and deliver such electric energy to qualified purchasers and, to enter into agree-

ments for interconnection and pooling with projects, plants, systems or facilities of other distributors of electric power, and specifically the Commission is authorized to enter into contracts for the purpose of transmitting, transporting or exchanging electrical energy: *Provided*, That this Commission shall not have the power to acquire by condemnation any generating, transmission or distribution facilities from any private individual, firm or corporation or from any public body, municipality or cooperative: *Provided further*, That in the event that the Federal government should institute any condemnation proceedings against any generation or transmission facilities which are a part of an interconnected electric system within the State of Washington then and in that event this Commission shall have the prior right to acquire such facilities by condemnation proceedings which shall take precedence over any other condemnation proceedings: *Provided further*, That the Commission shall not have the power to acquire, construct or operate any dam or dams or dam sites in any stream or portion thereof in violation of the provisions of chapter 9, Laws of 1949;

(b) To cooperate with the appropriate agencies and officials of the United States government or of any department of this state to the end that any project undertaken under the authority of this act shall be consistent with and in aid of the plans of the United States or such department for the improvement of commerce and navigation, reclamation, flood control and fisheries on or along the rivers and harbors of the State of Washington and be so planned and constructed as to be adaptable to the plans of the United States or such department therefor, so that the necessary channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities shall be constructed and installed

Agreements for inter-connection and pooling.

Restriction as to condemnation.

Condemnation proceedings by Federal government.

Exception as to construction and acquisition of dams and dam sites.

Cooperation with United States and State departments.

by the United States or by such department in, through and as a part of such project;

Negotiations and agreements with Canada.

(c) To negotiate with the proper Canadian authorities and agencies respecting the development of the commerce and navigation on, or the construction or acquisition of, any dam, reservoir or power plant or transmission line in Canada and to plan and agree with Canadian authorities upon cooperative or independent action to the end that the use, control or disposition of any necessary facilities may be utilized and hydroelectric power for the joint or separate use of this state and Canada may be created and developed. Such negotiations and agreements shall be conducted and concluded with due regard to the position of the United States in respect to international agreements, and any such agreements as may be reached with Canadian authorities or agencies may be submitted by the Commission to Congress for its approval, if it be advised that such approval is necessary or desirable;

Congressional approval of agreements.

Approval of plans or projects.

(d) To apply to the appropriate agencies or officials of the United States government and/or the Dominion of Canada or its provinces, including the International Joint Commission, for such licenses, permits or approval of its plans or projects as it may deem necessary or advisable;

Interstate negotiations and contracts.

(e) To negotiate and contract interstate or cooperative compacts with the appropriate agencies or officials of any state or territory or any subdivision thereof, for the purchase, construction, sale, transmission or use of any power or power facilities capable of being utilized for the use or benefit of the people of the State of Washington. In this connection, authority is specifically granted to make similar contracts with any electric company generating or distributing electrical energy either within or without the State of Washington;

(f) To negotiate or contract for the purchase, sale, transmission or use of electrical energy with any person, firm or corporation, including political subdivisions or governmental agencies of this state, any other state or of the United States, at fair and nondiscriminating rates;

Contracts for purchase, sale or transmission of electrical energy.

(g) To study and recommend to the Legislature a fair and reasonable program for payment to the state and the local subdivisions thereof for payments of taxes or payments in lieu of taxes or assessments to the end that the state and local taxing districts will not suffer great or serious damage by reason of the operation or acquisition of the properties of the Commission;

Recommendations to legislature concerning taxation.

(h) To establish the rates for the electrical energy sold or transmitted by the Commission;

Rates for electrical energy.

(i) The Commission shall choose from its own members a Chairman and the Commission shall employ a managing director of the Commission and select such employees, including engineering, marketing, operating and technical skills, as they may require for the performance of their duties, and fix their compensation.

Officers and personnel of Commission.

SEC. 8. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power are hereby preserved, and such rights shall not be impaired or modified by any of the provisions of this act or any of the powers granted by this act.

Existing contracts with United States not impaired.

SEC. 9. The rates, services and practices of the Commission in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the Department of Public Utilities.

Commission not governed by Department of Public Utilities.

SEC. 10. The Commission shall have no right or power to create any mortgage lien upon its operating property or facilities or to impose any debt, nor

Mortgage liens and imposition of debts.

to suffer or create any financial obligation upon the State of Washington or any of its subdivisions.

Existing laws as to expropriation of water not affected.

Neither shall this act be held to modify, alter or change any existing laws relative to the use or expropriation of water or the functions, powers and duties of any agency or officer thereto appertaining:

Commission qualified to make application for permits and licenses relating to water uses.

Provided, That the Commission shall be qualified to make applications, appropriations and filings with the Supervisor of Hydraulics of the State of Washington or the United States government and to obtain, hold and use permits and licenses for power sites, rights-of-way, water uses or other privileges in the same manner as any other qualified person or operating unit.

Commission not to engage in retail distribution of electrical energy.

SEC. 11. Nothing in this act shall be construed to authorize or empower the Commission to engage in the retail distribution of electric energy: *Provided*, That the Commission may sell and deliver electric energy to consumers located adjacent to its transmission lines who may be without other means of adequate electric supply or to large users of electric energy: *Provided further*, That before such contracts are made the consent of the local political subdivision distributing electricity in the area involved is obtained.

Exception.

SEC. 12. For the purpose of carrying out any or all of the powers herein granted, the Commission shall have the power of eminent domain for the acquisition of either real or personal property, used or useful in connection with the construction of facilities authorized hereunder: *Provided*, That this Commission shall not have the power of eminent domain with respect to any existing facilities for the generation or transmission of electric energy except as provided in section 7 (a) of this act. Condemnation pursuant to this act shall be under the procedure set out in chapter 64, Laws of 1891, as amended: *Provided*, That the Commission may institute con-

Commission to have power of eminent domain.

Exception.

SEC. 12. For the purpose of carrying out any or all of the powers herein granted, the Commission shall have the power of eminent domain for the acquisition of either real or personal property, used or useful in connection with the construction of facilities authorized hereunder: *Provided*, That this Commission shall not have the power of eminent domain with respect to any existing facilities for the generation or transmission of electric energy except as provided in section 7 (a) of this act. Condemnation pursuant to this act shall be under the procedure set out in chapter 64, Laws of 1891, as amended: *Provided*, That the Commission may institute con-

Condemnation procedure.

demnation proceedings in the Superior Court of any county in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the Court in any such action shall have jurisdiction to condemn property wherever located within the state: *Provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the Court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The Court shall further have the power to issue such orders or process as shall be necessary to place the Commission into possession of any property condemned.

Condemnation procedure.

Powers of Courts.

SEC. 13. For the purpose of paying the cost of acquiring by lease, contract, purchase, condemnation or construction all or any part of such electric systems and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the Commission is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the Commission and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the revenues pledged for that purpose and that such bond does not constitute an indebtedness of the State of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the Commission shall determine, may be in such denomination or denominations, may be in

Issuance of revenue bonds.

Bonds only obligations of Commission.

Lien on revenues.

Contents, terms and form of bonds.

such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the Chairman of the Commission, and any interest coupons appertaining thereto shall bear the signature of the Chairman: *Provided*, That the signature of the Chairman on such coupons may be printed or lithographed facsimile signature. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the Commission may deem proper: *Provided*, That the Commission may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the Commission may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the State Treasurer, as ex officio Treasurer of the Commission, consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the resolution and held as a separate trust fund to be disbursed on orders of the Commission.

Negotiability.

Signatures on bonds.

Temporary bond.

Sale of bonds.

Payment of purchase price.

Separate trust fund.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the Commission in connection with and

incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six (6) months thereafter, and a reasonable amount for working capital and prepaid insurance. The Commission is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Determination of amount of bonds required.

Covenants and conditions as to application of income and revenues.

SEC. 14. The Commission may hold hearings, inquire into any matter relating to the business of the Commission, administer oaths and affirmations, compel by subpoena the attendance of witnesses, the production of relevant books, records, papers and accounts and order the taking of depositions in accordance with the rules and laws regulating the taking of depositions to be used in Superior Court proceedings and the Superior Court of Thurston County, upon request of the Commission, may enforce such subpoena and deposition proceedings. The Commission may adopt necessary rules or regulations of practice and procedure governing its procedure and hearings and establish a schedule of fees and costs to be paid by the parties involved.

Hearings.

Powers of Commission.

Rules and regulations as to practice and procedure.

SEC. 15. Any one feeling aggrieved by any order of the Commission may appeal to the Superior Court of Thurston County. The Attorney General shall represent the Commission at all hearings and upon the review of all of its orders or decisions.

Appeal.

Attorney General to represent Commission.

SEC. 16. There is hereby appropriated to the Commission from the General Fund the sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary to carry out the provisions of this act, the same to be repaid to the Gen-

Appropriation to Commission.

eral Fund as soon as the earnings from the facilities to be acquired by the Commission will permit such repayment.

Emergency.

SEC. 17. Section 1 of 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.

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 228.

[H. B. 415.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; amending sections 4, 5, 6, 7, 16, 19, 21, 31, 32, 35, 37, 40, 53, 82, 83, 87, 91, 92, 96, 99, 188, 189, 191, 192, 193, 202, 203, and 219 of chapter 180, Laws of 1935, as amended; repealing section 14 (a), chapter 180, Laws of 1935, as amended; adding a section 204-A to said chapter 180, Laws of 1935, as amended; and declaring an emergency and providing that this act shall take effect May 1, 1949.

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

Amendment.

SECTION 1. Section 4, chapter 180, Laws of 1935, as last amended by section 1, chapter 156, Laws of 1943, is amended to read as follows:

Business tax.

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:

Measured by gross business.

Persons included.

Extractors.

(a) Upon every person engaging within this state in business as an extractor; as to such per-

sons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, extracted for sale or for commercial or industrial use, multiplied by the rate of one-quarter of one per cent; Rate.

The measure of the tax is the value of the products, including by-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 except persons taxable under paragraph (2) of subsection (d) below 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, including by-products, manufactured, multiplied by the rate of one-quarter of one per cent; Manufacturers.
Rate.

The measure of the tax is the value of the products, including by-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; Retailers.
Rate.

(d) (1) Upon every person engaging within this state in the business of buying wheat, oats, corn 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; Grain wholesalers.
Rate.

(d) (2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with Wheat flour manufacturers.

Rate. respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one per cent;

Wholesalers. (e) Upon every person except persons taxable under subsection (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;

Rate. (f) Upon every person engaging within this state in the business of: (1) printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used, or to be used, primarily for foot or vehicular traffic; 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;

Printers and publishers.
Road builders.
Rate.
Others. (g) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in subsections (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 subsection includes, among others, and without limiting the scope hereof (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), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale" as defined herein.

Amendment. SEC. 2. Section 5, chapter 180, Laws of 1935, as last amended by section 1, chapter 249, Laws of 1945, is amended to read as follows:

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, co-partnership, 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, co-operative, fraternal, non-profit or otherwise and the United States or any instrumentality thereof; "Person" or "company."

(c) The word "sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under subsection (d) of this section. It includes conditional sale contracts, leases with option to purchase, 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."

The term "casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved. "Casual sale."

(d) The term "sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated or imprinted) other than a sale to one who purchases for the purpose of resale as tangible personal property in the "Retail sale."

regular course of business or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The said term also means every sale of tangible personal property to persons engaged in any business which is taxable under section 4 (f) (2) and section 4 (g) hereof.

Retail sale
to include.

The term "sale at retail" or "retail sale" shall be construed to include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (1) the installing, repairing, cleaning, altering, imprinting or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the Tax Commission may prescribe.

Not included.

The said term shall not include the sale of or charge made for labor and services rendered in respect to the mere cleaning, fumigating, razing, or moving of existing buildings or structures, or the

building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey or other substances obtained from animals, birds or insects.

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property and any sale of or charge made for labor and services rendered in respect to real or personal property, which is not a sale at retail; "Sale at wholesale."

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered 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; "Gross proceeds of sale."

(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, "Value proceeding or accruing."

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;

"Extractor."

(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 for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber or other natural products, 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 for commercial or industrial 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;

"To manufacture."

(k) The term "to manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machin-

ery, 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;

(1) The term "commercial or industrial use" means the following uses of products, including by-products, by the extractor or manufacturer thereof:

"Commercial" or "Industrial use."

(1) Any use as a consumer; and

(2) The manufacturing of articles, substances or commodities from extracted products, including by-products.

(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 or those institutions which are not operated

"Tuition fee."

for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, other trade schools or similar institutions;

"Successor."

(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 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 the following:

(1) Any person who purchases, acquires, owns, holds or uses any article of tangible personal property other than for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in the business of rendering professional or personal services to persons (as distinguished from services rendered to property of persons) and who are taxable under section 4 (g) hereof;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, in respect, how-

ever, only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted or otherwise altered by a person engaged in business, excluding only the United States of America, the State of Washington and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes;

(s) The term "in this state" or "within this state" as used herein includes all Federal areas lying within the exterior boundaries of the State of Washington;

"In this State."

(t) The term "by-product" means any additional product, other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

"By-product."

SEC. 2-A. Section 6, chapter 180, Laws of 1935, as last amended by section 3, chapter 156, Laws of 1943, is amended to read as follows:

Amendment.

Section 6. Every person engaging in activities which are within the purview of the provisions of two or more of 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), (b) or (d) (2) of said section shall not be taxable under paragraphs (c) or (e) of said section with respect to making sales at retail or wholesale of products extracted or manufactured within this state by such persons.

Persons taxable.

Exemptions.

SEC. 3. Section 7, chapter 180, Laws of 1935, as amended by section 4, chapter 178, Laws of 1941, is amended to read as follows:

Amendment.

Value of products.

Section 7. The value of products, including by-products, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller, except:

Exceptions.

(a) Where such products, including by-products, are extracted or manufactured for commercial or industrial use;

(b) Where such products, including by-products, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. The Tax Commission shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

Commission to prescribe rules.

Amendment.

SEC. 4. Section 16, chapter 180, Laws of 1935, as last amended by section 5, chapter 156, Laws of 1943, is amended to read as follows:

3% retail sales tax.

Section 16. From and after the first day of May, 1943, there is hereby levied and there shall be collected a tax on each retail sale in this state equal to three per cent of the selling price. The tax imposed under this title shall apply to successive retail sales of the same property and to the retail sale of in-

toxicating liquor by the Washington state liquor stores.

SEC. 5. Section 19, chapter 180, Laws of 1935, as last amended by section 5, chapter 249, Laws of 1945, is amended to read as follows: Amendment.

Section 19. The tax hereby levied shall not apply to the following sales: Sales not taxable.

(a) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under titles II, V, or XIII of this act: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by title IV of this act; Casual sales.

(b) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under title V of this act, when the gross proceeds from such sales must be included in the measure of the tax imposed under said title V;

(c) The distribution and newsstand sale of newspapers; 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); Sale of motor vehicle fuel.

(f) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to a person for use in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act; Sale of public utility.

(g) Auction sales made by or through auctioneers of tangible personal property (including house- Auction sales.

hold goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

Sales not taxable.

(h) Sales to corporations which have been incorporated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

Livestock for breeding.

(i) Sales of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association;

Interstate commerce.

(j) Sales of tangible personal property (other than the type referred to in subdivision (k) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by title IV of this act;

(k) Sales of airplanes, locomotives, railroad cars, or water craft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the State of Washington; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or water craft in the course of constructing, repairing, cleaning, altering or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering or improving;

(l) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission, and that said vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the Director of Licenses pursuant to the provisions of section 17, chapter 188, Laws of 1937, as amended by section 15, chapter 200, Laws of 1947, or any law amendatory thereto;

One-transit permit for motor vehicles.

(m) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (1) said vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the Director of Licenses pursuant to the provisions of section 17, chapter 188, Laws of 1937, as amended by section 15, chapter 200, Laws of 1947, or any law amendatory thereto, or (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence and will not be required to be registered and licensed under the laws of this state.

One-transit permit.

SEC. 6. Section 21, chapter 180, Laws of 1935, as last amended by section 3, chapter 76, Laws of 1941, is amended to read as follows:

Amendment.

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 upon sales amounting to thirty

Tax to be paid by buyer.

Duty of seller to collect.

How paid.

cents or more and by token to be issued by the Tax Commission upon sales amounting to twenty-nine cents or less. 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 a 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 by the buyer to the seller or to the Tax Commission, 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 misdemeanor and punishable in the manner prescribed by law. Where a buyer has failed to pay to the seller the tax imposed by this title and the seller has not paid the amount of said tax to the Tax Commission, the Commission may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten per cent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the Commission; and all of the provisions of title XVIII of this act, including those relative to interest and penalties, shall apply in ad-

Tax deemed held in trust for State.

Penalty for conversion.

Seller personally liable for failure to collect.

Refusal to collect.

Refusal to pay.

Commission may proceed against buyer.

dition; and, for the sole purpose of applying the various provisions of title XVIII, the fifteenth day of the month following the bi-monthly tax period in which the purchase was made shall be considered as the due date of the tax.

Due date.

SEC. 7. Section 31, chapter 180, Laws of 1935, as last amended by section 8, chapter 156, Laws of 1943, is amended to read as follows:

Amendment.

Section 31. From and after the first day of May, 1943, 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 as a consumer any article of tangible personal property purchased at retail, or acquired by lease or by gift, or extracted or produced or manufactured by the person so using the same: *Provided*, That the tax liability imposed by this title upon the use of tangible personal property by a lessee thereof shall not be construed as affecting the primary liability under this title of the lessor of said property. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, 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 in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within the State of Washington. Except as provided in section 32 (b), payment by one purchaser or user of tangible personal property of the tax imposed by title III or title IV of this act shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by said

Excise tax levied.

Not to affect primary liability of lessor.

When applied to goods brought into State.

Rate. titles. 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 three per cent.

Amendment. SEC. 8. Section 32, chapter 180, Laws of 1935, as last amended by section 6, chapter 249, Laws of 1945, is amended to read as follows:

Property not taxable. Section 32. The provisions of this title shall not apply:

Non-residents. (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 use or enjoyment while temporarily within the state unless such property is used in conducting a non-transitory business activity within the state; or in respect to the use by a non-resident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resident thereof and primarily for use outside this state: *Provided*, Such use was actual and substantial and such articles were acquired at least three months prior to the time he became a resident of this state;

Property already taxed. (b) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease or by gift if the sale thereof to, or the use thereof by, the present user or his lessor or donor has already been subjected to tax under title III or title IV of this act and such tax has been paid by the present user or by his lessor or donor;

Otherwise taxable. (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;

Interstate commerce. (d) In respect to the use of any airplane, locomotive, railroad car, or water craft used primarily in

conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the State of Washington, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or water craft, and in respect to the use of any motor vehicle the first use of which within the state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the Director of Licenses pursuant to the statutory provisions cited in section 19 (1) of this act;

(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;

(f) In respect to the use of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5 (section 8327-5, Remington's Revised Statutes); Motor fuel.

(g) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by a person in conducting any business defined in subdivisions (a), (b), (c), (d), (e), (f), (g), or (h) of section 37 of title V of this act; Public utilities.

(h) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity: *Provided*, Such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise; Farm auctions.

(i) In respect to the use of tangible personal property by corporations which have been incor-

porated under any act of the Congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

Livestock
for breeding.

(j) In respect to use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association;

(k) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same.

Amendment.

SEC. 9. Section 35, chapter 180, Laws of 1935, as last amended by section 8, chapter 249, Laws of 1945, is amended to read as follows:

Definitions.

Section 35. For the purposes of this title:

"Value of the
article used."

(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. In case the article used is acquired by lease or by gift or is extracted, produced or manufactured by the person using the same or is sold under conditions wherein the purchase price 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

Commission
to prescribe
rules.

such rules and regulations as the Tax Commission may prescribe;

(b) The terms "use," "used," "using" or "put to use" mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property, and shall include installation, storage, withdrawal from storage or any other act preparatory to subsequent actual use or consumption within this state;

"Use,"
"used,"
"using" and
"put to use."

(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 titles II and III of this act;

"Taxpayer"
and
"purchaser."

(d) The word "retailer," as used in this title, shall mean every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this title;

"Retailer."

(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.

SEC. 10. Section 37, chapter 180, Laws of 1935, as last amended by section 10A, chapter 156, Laws of 1943, is amended to read as follows:

Amendment.

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 op-

"Express
business."

erated in this state, when such common carrier is not owned or leased by the person engaging in such business;

"Railroad car 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 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 III, Laws of

1921, page 338, section 1, and chapter 184, Laws of 1935, page 384, section 2 and amendments thereto and includes the business of so operating within and between incorporated cities and towns whose corporate limits are more than five miles apart;

(j) The term "urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, in so far as (A) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (B) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pick-up or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property;

"Urban transportation business."

(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

"Gross operating revenue."

cost of the commodity furnished or 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;

Others. (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," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provision of this title.

Amendment. SEC. 11. Section 40, chapter 180, Laws of 1935, as amended by section 12, chapter 227, Laws of 1937, is amended to read as follows:

Computation of tax deductions. Section 40. In computing tax there may be deducted from the gross operating revenue the following items:

(a) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(b) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas, or any other commodity in the performance of public service businesses;

(c) Amounts actually paid by a taxpayer to another person taxable under this title as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross operating revenue reported for tax by the former;

(d) The amount of cash discount actually taken by the purchaser or customer;

Computation
of tax
deductions.

(e) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(f) Amounts derived from business which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(g) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(h) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto, from points of origin in the State of Washington, and thereafter forwarded by water carrier, in their original form, to interstate or foreign destinations: *Provided*, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town.

SEC. 12. Section 53, chapter 180, Laws of 1935, as amended by section 1, chapter 126, Laws of 1945, is amended to read as follows: Amendment.

Tax on conveyances.

Section 53. From and after the first day of May, 1935, there is hereby levied and there shall be collected a tax upon conveyances: Deed, instrument; or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his, her or its direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred (\$100.00) dollars and does not exceed five hundred (\$500.00) dollars or fractional part thereof, 50 cents; and for each additional \$500.00 or fractional part thereof, 50 cents. This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the State of Washington.

Exemption.

Amendment.

SEC. 13. Section 82, chapter 180, Laws of 1935, as last amended by section 11, chapter 156, Laws of 1943, 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 cent upon each ten cents or fraction thereof of the intended retail selling price of the smallest container or package in which the cigarettes are contained.

Rate.

Tax stamps for packages.

(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: *Provided*, That where it is established to the satisfaction of the Tax Commission that it is impractical to affix such stamps to the smallest container or package, the Tax Commission may authorize the affixing of stamps of appropriate denomination to a larger container or package;

(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 imposed herein: *Provided, however*, That any wholesaler engaged in interstate business, who shall furnish surety bond in the 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: *Provided, further*, That every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit said true duplicate invoice to the main office of the Tax Commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the Tax Commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this title have not been affixed.

Wholesaler
to affix
stamps.

Except as to
interstate
sales.

Interstate
stock to
be kept
separate.

Retailer to affix stamps.

Except as to interstate sales.

Interstate stock to be kept separate.

Manner of affixing.

Individual packages.

(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: *Provided, however,* That any retailer 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: *Provided, further,* That every retailer shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit said true duplicate invoice to the main office of the Tax Commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the Tax Commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this title have not been affixed.

(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;

(e) In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps shall be affixed securely on 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 five (5) per cent of the face value of the stamps purchased by them;

Compensation for affixing.

(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;

Intent of act.

Advertising stocks to be taxed.

(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.

Stamp machines authorized.

SEC. 14. Section 83, chapter 180, Laws of 1935, is amended to read as follows:

Amendment.

Section 83. For the purposes of this title, unless otherwise required by the context:

Definitions.

(a) The word "wholesaler" means and includes every person who purchases, sells or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only;

"Wholesaler."

(b) The word "retailer" means and includes every person, other than a wholesaler, who shall purchase, sell, offer for sale or distribute any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales; and all persons operating under a retailer's registration certificate;

"Retailer."

"Retail
selling
price."

(c) The words "retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this title and less any similar tax levied by this state;

"Cigarette."

(d) The word "cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco;

"Stamp."

(e) The word "stamp" as used herein means the stamp or stamps or meter impressions by use of which the tax levy under this title is paid;

Others.

(f) The meaning attributed, in title II of this act, to the words "person," "sale," "business" and "successor" shall apply equally in the provisions of this title.

Amendment.

SEC. 15. Section 87, chapter 180, Laws of 1935, as amended by section 25, chapter 225, Laws of 1939, is amended to read as follows:

Penalty for
violation of
rules and
regulations
or provi-
sions of act.

Section 87. If any person, 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 person, 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 person 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.

SEC. 16. Section 91, chapter 180, Laws of 1935, Amendment.
is amended to read as follows:

Section 91. When the Tax Commission has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this title or regulations issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any Justice of Peace, Mayor of any city, town or village, or Judge of any Court in this state, and such Justice, Mayor or Judge shall issue a search warrant directed to the Sheriff, any Constable, Police Officer, or duly authorized agent of the Tax Commission commanding him diligently to search any building, room in a building, place or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control of the same. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this title.

Commission
may demand
search
warrant.

Amendment. SEC. 17. Section 92, chapter 180, Laws of 1935, as amended by section 17, chapter 178, Laws of 1941, is amended to read as follows:

Refund for stamped unsalable goods.

Section 92. The Tax Commission may promulgate rules and regulations providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed, less the affixing discount, upon condition that the seller in this state shall make affidavit that the articles were sold and shipped outside of the state and that he has received from the purchaser outside the state a written acknowledgment that he has received such articles with the amount of stamps affixed thereto, together with the name and address of such purchaser. The Tax Commission is hereby authorized to redeem any unused stamps purchased from it at the face value thereof less the affixing discount as provided in section 82 (f).

Redeem unused stamps.

Amendment. SEC. 18. Section 96, chapter 180, Laws of 1935, as enacted by section 1, chapter 118, Laws of 1941, and as amended by section 1, chapter 248, Laws of 1947, is amended to read as follows:

Tax on pin ball machines.

Section 96. From and after the first day of May, 1941, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging in business as an operator of certain mechanical devices irrespective of whether such activity shall be legal or illegal under the laws of this state or any subdivision thereof: *Provided, however,* Nothing in this act shall be construed to legalize any activity now or hereafter declared to

Act not to legalize any activity.

be in violation of the laws of this state or any subdivision thereof, but the illegality of any such activity shall not be a defense or bar to the collection of any tax imposed thereon by this act. Such tax shall be measured by the application of rates against the gross operating income of the business as follows:

Illegality no bar to collection.

Rate.

(a) Upon every person engaging within this state in business as an operator of any pinball machine, iron claw machine, traveling crane or other similar mechanical device wherein the element of skill or a combination of the elements of chance and skill is involved in determining a pay-out to the player, as to such persons the amount of tax on such business shall be equal to the gross operating income of the business multiplied by the rate of twenty per cent: *Provided*, That this paragraph shall not be applicable to devices which require more than one operation by the player and where the result of any such operation by the player is determined by chance alone;

20% of gross income where skill involved.

(b) Upon every person engaging within this state in business as an operator of (1) any mechanical device wherein only the element of chance determines a pay-out to the player, or (2) any mechanical device which requires more than one operation by the player and where the result of any such operation by the player is determined by chance alone, without regard to whether or not an element of skill is involved in any other operation of the device by the player; as to such persons the amount of tax on such business shall be equal to the gross operating income of the business multiplied by the rate of forty per cent.

40% where chance only is involved.

SEC. 19. Section 99, chapter 180, Laws of 1935, as enacted by section 1, chapter 118, Laws of 1941, is amended to read as follows:

Amendment.

Section 99. The taxes imposed hereunder shall be due and payable in bi-monthly installments and

Tax payable bi-monthly.

remittance therefor shall be made on or before the fifteenth day of each odd-numbered month of each calendar year next succeeding the end of the bi-monthly period in which the tax accrued. The taxpayer, on or before said fifteenth day of said month, shall make out and sign a return, upon such forms and setting forth such information as the Tax Commission may require, showing the amount of the tax for which he is liable for the preceding bi-monthly period and transmit the same to the Tax Commission, together with a remittance for said amount in the form required in Title XVIII of this act. The Tax Commission may, in its discretion, require sworn returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. A return shall be filed for each mechanical device registered with the Tax Commission, whether or not the machine was in actual operation during the bi-monthly period for which the return is made, and whether or not any tax liability was incurred with respect to the operation of the machine during said bi-monthly period, and for failure to file a return for any such machine the Tax Commission may assess a penalty in the amount of not to exceed twenty-five dollars (\$25.00) for each machine not reported, which penalty shall be collected in the same manner as the taxes imposed by this act: *Provided*, That a taxpayer may report any number of machines on a single return if appropriate information is attached to such single return stating the registration number of each machine reported, the location at which it was operated, and the gross operating income therefrom.

Return to be filed for each machine.

Penalty for failure to file return.

Amendment.

SEC. 20. Section 188, chapter 180, Laws of 1935, as last amended by section 9, chapter 249, Laws of 1945, is amended to read as follows:

Assessments of additional tax due.

Section 188. If, upon examination of any returns or from other information obtained by the Tax Com-

mission 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 may add thereto interest at the rate of not more than six per cent (6%) per annum from the respective due dates of such additional amount until date of such assessment. 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 fifty per cent (50%) of the additional tax found to be due may be added.

Notice of additional Assessment.

Penalty.

No assessment or correction of an assessment for additional taxes due may be made by the Commission more than four years after the close of the tax year, except upon a showing of fraud or of misrepresentation of a material fact by the taxpayer.

No assessment after four years save on showing of fraud.

SEC. 21. Section 189, chapter 180, Laws of 1935, is amended to read as follows:

Amendment.

Section 189. If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it shall be determined by the Tax Commission that within the year immediately preceding the receipt by the Commission of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the year immediately preceding the commencement by the Tax Commission of said examination, a tax has been paid in excess of that properly due, the excess amount

Taxes paid in excess.

To be refunded or credited.

Limitation
on credit
or refund.

U. S.
contracts.

Refunded by
warrants.

Judgments.

paid within said period of one year shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. No refund or credit shall be allowed with respect to any payments made to the Tax Commission more than one year before the date of such application or examination: *Provided, That*, where a refund or credit for any period may not be made because of the lapse of said one year period, the amount of the refund or credit which would otherwise be allowable may be offset against the amount of any tax deficiency which may be determined by the Tax Commission for the same period: *Provided, That* notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of the United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable Federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the Tax Commission within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: *Provided, further*, That no interest shall be allowed on such refund. Any such refunds shall be made by means of vouchers approved by the Tax Commission and by the issuance of state warrants drawn upon and payable from such funds as the Legislature may provide.

Any judgment for which a recovery is granted by any Court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the Tax Commission of a certified copy of the order or judgment of the Court. Interest at the rate of three

per cent (3%) per annum shall be allowed by the Tax Commission and by any Court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties or interest paid after said date.

3% interest allowed for refund or judgment.

SEC. 22. Section 191, chapter 180, Laws of 1935, is amended to read as follows: Amendment.

Section 191. Payment of the tax may be made by uncertified check under such regulations as the Commission shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Payment by check.

The Tax Commission shall keep full and accurate records of all funds received and disbursed by it under the provisions of this act.

Commission to keep records.

The Tax Commission may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return, and shall be subject to the penalties provided in section 193. In any such case, the taxpayer shall, in the discretion of the Tax Commission, be subject to a penalty in the amount of ten per cent (10%) of the tax or of one dollar (\$1.00), plus interest thereon at the rate of one per cent per month, even though the remittance, transmitted separately, be received by the Commission before or at the same time as the return was received, and even though such remittance be received before the due date of the tax.

Return without remittance.

Penalty.

SEC. 23. Section 192, chapter 180, Laws of 1935, as amended by section 18, chapter 227, Laws of 1937, is amended to read as follows: Amendment.

Extension of
time for
payment.

Section 192. The Tax Commission, for good cause shown, may extend the time for making and filing any return as required under this act, and may grant such reasonable additional time within which to make and file such returns as it may deem proper: *Provided, however,* That any extension in excess of thirty days shall be conditional on payment of interest of one half of one per cent for each thirty days or portion thereof of the amount of the tax from the date upon which such tax became due. If payment of any tax due under this act is not received by the Tax Commission within ten days of the due date of such tax, as set forth in this act, there may be added to such tax a penalty of ten per cent of the amount of said tax, but in no case shall the penalty, if assessed, be less than one (\$1.00) dollar. The Tax Commission shall notify the taxpayer by mail of the amount of any penalties so added or assessed and the same shall become due and shall be paid within ten days from the date of such notice.

Amendment.

SEC. 24. Section 193, chapter 180, Laws of 1935, as amended by section 28, chapter 225, Laws of 1939, is amended to read as follows:

Failure or re-
fusal 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.

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 pay-

able 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, in addition to the penalty provided in section 192, a further penalty of ten per cent of the amount of the tax for failure or refusal to make a return and may 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. If any taxpayer fails to file any return required by this act within ten days of the date provided for filing such return, and it appears that there was no tax due or paid for the period for which no return was filed, the Tax Commission may assess against such taxpayer a penalty not to exceed three (\$3.00) dollars for such failure. The Tax Commission shall notify the 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.

Right to appeal.

Further penalty.

Notification by mail.

No assessment or correction of an assessment may be made by the Commission more than four years after the close of the tax year, except upon a showing of fraud or of misrepresentation of a material fact by the taxpayer.

No assessment after four years save for fraud.

SEC. 25. Section 202, chapter 180, Laws of 1935, as amended by section 20, chapter 227, Laws of 1937, is amended to read as follows:

Amendment.

Section 202. If any tax, increase or penalty imposed by this act or any portion of such tax, increase or penalty is not paid within fifteen days after the same shall become due, the Tax Commission may issue a warrant under its official seal directed to the Sheriff of any county of the state, commanding

Default in payment.

Warrant.

Levy and
sale.

him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of such warrant, together with interest thereon at the rate of one per cent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant, plus the cost of executing such warrant, and return such warrant to the Tax Commission and pay to it the money collected by virtue thereof within sixty days after the receipt of such warrant. If, however, the Tax Commission in its discretion believes that a taxpayer subject to the provisions of this act is about to cease business, leave the state or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty imposed under this tax will not be paid when due, it may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

Tax to be
immediately
due.

Lien on
taxpayer's
property.

The Sheriff shall file with the Clerk of the Superior Court of his county a copy thereof, and thereupon the Clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a lien upon all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. Said lien shall not be superior, however, to *bona fide* interests of third persons which had vested prior to the filing of the warrant when such third

persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment. The amount of such warrant so docketed shall also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued and shall be the same as a judgment in a civil case duly docketed in the office of such Clerk, and the Sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of said Superior Court, and such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied. The Sheriff shall be entitled to fees as provided by law for his services in levying execution on a Superior Court judgment and the Clerk shall be entitled to a filing fee of one (\$1.00) dollar, which shall be added to the amount of such warrant. The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties and costs, the judgment docket shall show the claim for taxes to be satisfied and the Clerk of the Court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shall show that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of such warrant. If any warrant issued under this section is not paid within thirty days after the same has been filed with the Clerk of the Superior Court, the Tax Commission may by order

Lien same
as civil
judgment.

Sheriff
entitled
to fees.

Proceeds of
sale credited
on amount
due.

Surplus to
taxpayer or
lien holder.

issued under its official seal, revoke the certificate of registration of the taxpayer against whom said warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to said taxpayer's place of business and shall remain posted until such time as said warrant has been paid.

Agent of Commission to have powers of Sheriff.

In the discretion of the Tax Commission, a warrant of like terms, force and effect may be issued and directed to any agent of the Commission authorized to collect taxes under this act, and in the execution thereof such agent shall have all the powers conferred by law upon Sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of such warrant.

Amendment.

SEC. 26. Section 203, chapter 180, Laws of 1935, is amended to read as follows:

Court proceedings to collect unpaid taxes.

Section 203. Any tax due and unpaid under this act, and all increases and penalties thereon, shall constitute a debt to the State of Washington and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to any and all other existing remedies. In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, involving any taxpayer hereunder, the claim of the state for said taxes and all increases and penalties thereon shall be a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and in all such cases it shall be the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the Tax Commission of such administration, receivership or assignment within

Probate, insolvency, etc., to create lien without prior action by state.

Executors, administrators, etc., to notify Commission of appointment.

thirty days from the date of their appointment and qualification. The lien provided for by this section shall attach as of the date of the assignment for the benefit of creditors or of the initiation of the probate, insolvency, or bankruptcy proceedings: *Provided*, That this sentence shall not be construed as affecting the validity or priority of any earlier lien that may have attached previously in favor of the state under any other section of this act. Any administrator, executor, guardian, receiver or assignee for the benefit of creditors not giving the notification as provided for above shall become personally liable for payment of said taxes and all increases and penalties thereon.

When lien attaches.

Personal liability of administrators, executors, etc.

SEC. 27. There is hereby added to title XVIII, chapter 180, Laws of 1935, as amended, an additional section, to be known as section 204-A, reading as follows:

Amendment.

Section 204-A. The amount of all taxes, increases and penalties due or to become due under any title of this act from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is \$5,000.00 or more shall be a lien prior to all other liens upon the amount of the retained percentage 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 retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Public improvement contract.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds in payment of any such public improvement contract shall, before making final payment of the retained percentage to any person performing any such contract or to any of his successors or assignees, require the person to secure

Disbursing officer to require certificate of tax payment.

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 or that they are, in the Commission's opinion, readily collectible without recourse to the Commission's lien on the retained percentage and that said lien is therefore released.

Non-payment
by con-
tractor.

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 at any time after the expiration of said thirty day period, 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 become 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 retained percentage withheld 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.

Amendment.

SEC. 28. Section 219, chapter 180, Laws of 1935, as amended by section 32, chapter 225, Laws of 1939, is amended to read as follows:

State pre-
empts right
to impose
revenue
taxes.

Section 219. The state does hereby preempt the field of imposing taxes on the use of tangible per-

sonal property, conveyances, and cigarettes, as included under chapter 180, Laws of 1935, title IV, sections 31 to 35, 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.

SEC. 29. Section 14(a), chapter 180, Laws of 1935, as renumbered and last amended by section 7, chapter 178, Laws of 1941, is hereby repealed. Repealing clause.

SEC. 30. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect May 1, 1949. Emergency.

Passed the House March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 229.

[H. B. 502.]

STATE ASSISTANCE—PUBLIC SCHOOL PLANT FACILITIES.

AN ACT providing funds for the construction of public school plant facilities; authorizing the issuance and sale of state general obligation bonds and providing ways and means to pay said bonds; making an appropriation; providing for submission of this act to a vote of the people, and declaring an emergency.

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

SECTION 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities under the provisions of chapter 278, Laws of 1947, the State Finance Committee is hereby authorized to issue, at any time prior to January 1, 1960, general obligation bonds of the State of Washington in the sum of forty million dollars (\$40,000,000), or so much thereof as shall be required to finance the Bond issue to provide funds for state assistance for public school plant facilities.

Amount.

To be discharged within twenty years.

program herein set out, to be paid and discharged within twenty (20) years of the date of issuance.

Form, sale and conditions of bonds.

The State Finance Committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of three per cent (3%) per annum.

Maximum interest.

Credit of State pledged.

The bonds shall pledge the full faith and credit of the State of Washington and contain an unconditional promise to pay the principal and interest when due. The Committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine.

Signatures.

The State Finance Committee may authorize the use of facsimile signatures in the issuance of the bonds.

Disposition of proceeds of sale.

SEC. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the State Finance Committee may direct the State Treasurer to deposit therein shall be deposited in the Public School Building Construction Fund.

Public School Building Construction Fund.

Appropriation to State Finance Committee from Fund.

SEC. 3. The sum of forty million dollars (\$40,000,000), or so much thereof as may be necessary, is appropriated from the Public School Building Construction Fund to the State Finance Committee to be expended by the Committee for the payment of expense incident to the sale and issuance of the bonds authorized herein and through allotments made, in its discretion, to the State Board of Education for the purpose of carrying out the purposes of chapter 278, Laws of 1947.

Public School Building Bond Redemption Fund.

SEC. 4. The Public School Building Bond Redemption Fund is hereby created in the state treasury, which fund shall be exclusively devoted to the

payment of interest on and retirement of the bonds authorized by this act. The State Finance Committee shall, on or before June 30th of each year, certify to the State Treasurer the amount needed in the ensuing twelve (12) months to meet bond retirement and interest requirements and the State Treasurer shall thereupon deposit such amount in said Public School Building Bond Redemption Fund from moneys transmitted to the State Treasurer by the Tax Commission and certified by the Tax Commission to be sales tax collections and such amount certified by the State Finance Committee to the State Treasurer shall be a first and prior charge against all retail sales tax revenues of the State of Washington.

Purposes of fund.

Retirement of bonds and interest payments.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Mandamus action to compel performance.

SEC. 5. The Legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Additional means of raising revenue may be provided.

SEC. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Bonds are legal investment for state funds.

SEC. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1950, in accordance with the provisions of section 3 of Article VIII of the State Constitution; and in accordance with the provisions of section 1 of Article II of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Act shall be submitted to people at general election.

Emergency.

SEC. 8. 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 March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 230.

[H. B. 503.]

PROVIDING FUNDS FOR BUILDINGS AT STATE OPERATED INSTITUTIONS.

AN ACT providing funds for the construction of needful buildings at the state operated charitable, educational and penal institutions; authorizing the issuance and sale of state general obligation bonds and providing ways and means to pay said bonds; making an appropriation; providing for submission of this act to a vote of the people, and declaring an emergency.

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

Bond issue to provide funds for providing buildings at state institutions.

Amount.

To be discharged within twenty years.

Form, sale and conditions of bonds.

SECTION 1. For the purpose of providing needful buildings at the state operated charitable, educational and penal institutions presently operated by the Department of Public Institutions, the State Finance Committee is hereby authorized to issue, at any time prior to January 1, 1960, general obligation bonds of the State of Washington in the sum of twenty million dollars (\$20,000,000), or so much thereof as shall be required to finance the program herein set out, to be paid and discharged within twenty (20) years of the date of issuance.

The State Finance Committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized

shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of three per cent (3%) per annum.

Maximum interest.

The bonds shall pledge the full faith and credit of the State of Washington and contain an unconditional promise to pay the principal and interest when due.

Credit of state pledged.

The Committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine.

Bonds may be called prior to due date.

The State Finance Committee may authorize the use of facsimile signatures in the issuance of the bonds.

Signatures.

SEC. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which

Disposition of proceeds of sale.

the State Finance Committee may direct the State Treasurer to deposit therein shall be deposited in the Institutional Building Construction Fund.

Institutional Building Construction Fund.

SEC. 3. The sum of twenty million dollars (\$20,000,000), or so much thereof as may be necessary, is appropriated from the Institutional Building Construction Fund to the State Finance Committee to be expended by the Committee for the payment of expense incident to the sale and issuance of the bonds authorized herein and through allotments made, in its discretion, to the Director of Public Institutions for the purpose of constructing needful buildings at the state operated charitable, educational and penal institutions.

Appropriation from Fund to State Finance Committee.

SEC. 4. The Institutional Building Bond Redemption Fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The State Finance Committee shall, on or before June 30th of each year, certify to the State Treasurer the amount needed in the ensuing twelve (12) months to meet bond retirement and interest requirements and the State Treasurer shall

Institutional Building Bond Redemption Fund.

Retirement of bonds and interest payments.

thereupon deposit such amount in said Institutional Building Bond Redemption Fund from moneys transmitted to the State Treasurer by the Tax Commission and certified by the Tax Commission to be sales tax collections and such amount certified by the State Finance Committee to the State Treasurer shall be a first and prior charge against all retail sales tax revenues of the State of Washington.

Mandamus action to compel performance.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Additional means of raising revenue may be provided.

SEC. 5. The Legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Bonds are legal investment for state funds.

SEC. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Act shall be submitted to people at general election.

SEC. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1950, in accordance with the provisions of section 3, Article VIII of the State Constitution; and in accordance with the provisions of section 1, Article II of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Emergency.

SEC. 8. 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 March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 231.

[H. B. 504.]

PROVIDING FUNDS FOR BUILDINGS AT STATE INSTITUTIONS OF HIGHER LEARNING.

AN ACT providing funds for the construction of needful buildings at the state institutions of higher learning; authorizing the issuance and sale of state general obligation bonds and providing ways and means to pay said bonds; making an appropriation; providing for submission of this act to a vote of the people, and declaring an emergency.

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

SECTION 1. For the purpose of providing needful buildings at the state institutions of higher learning, the State Finance Committee is hereby authorized to issue, at any time prior to January 1, 1960, general obligation bonds of the State of Washington in the sum of twenty million dollars (\$20,000,000), or so much thereof as shall be required to finance the program herein set out, to be paid and discharged within twenty (20) years of the date of issuance.

Bond issue to provide funds for buildings at state institutions of higher learning.

Amount.

To be discharged within twenty years.

The State Finance Committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of three per cent (3%) per annum.

Form, sale and conditions of bonds.

Maximum interest.

The bonds shall pledge the full faith and credit of the State of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The State Finance Committee may authorize the use of facsimile signatures in the issuance of the bonds.

Credit of state pledged.

Bonds may be called prior to due date.

Signatures.

Disposition of proceeds of sale.

SEC. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the State Finance Committee may direct the State Treasurer to deposit therein shall be deposited in the Higher Education Building Construction Fund.

Higher Education Building Construction Fund.

Appropriation from fund to State Finance Committee.

SEC. 3. The sum of twenty-five million dollars (\$25,000,000), or so much thereof as may be necessary, is appropriated from the Higher Education Building Construction Fund to the State Finance Committee to be expended by the Committee for the payment of expense incident to the sale and issuance of the bonds authorized herein and through allotments made, in its discretion, to the state institutions of higher learning for the purpose of constructing needful buildings.

Higher Education Building Bond Redemption Fund.

Retirement of bonds and interest payments.

SEC. 4. The Higher Education Building Bond Redemption Fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The State Finance Committee shall, on or before June 30th of each year, certify to the State Treasurer the amount needed in the ensuing twelve (12) months to meet bond retirement and interest requirements and the State Treasurer shall thereupon deposit such amount in said Higher Education Building Bond Redemption Fund from moneys transmitted to the State Treasurer by the Tax Commission and certified by the Tax Commission to be sales tax collections and such amount certified by the State Finance Committee to the State Treasurer shall be a first and prior charge against all retail sales tax revenues of the State of Washington.

Mandamus action to compel performance.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

SEC. 5. The Legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Additional means of raising revenue may be provided.

SEC. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Bonds are legal investment for state funds.

SEC. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1950, in accordance with the provisions of section 3, Article VIII of the State Constitution; and in accordance with the provisions of section 1, Article II of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Act shall be submitted to people at general election.

SEC. 8. 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.

Emergency.

Passed the House March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 232.

[S. B. 254.]

EDUCATION—ASSISTANCE FOR BLIND STUDENTS.

AN ACT providing assistance for blind students attending institutions of higher learning; amending chapter 154, Laws of 1935; making an appropriation; and declaring an emergency.

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

Amendment. SECTION 1. Section 1, chapter 154, Laws of 1935 (sec. 4542-1, Rem. Rev. Stat. Supp.), is amended to read as follows:

Blind student defined. Section 1. A blind student is defined for the purpose of this act to be a person who is unable to read because of defective eyesight and by reason of studies which he has previously pursued is entitled to admission to an institution of higher learning within the State of Washington. Such blind student must have been a resident of the State of Washington for one year next preceding the date upon which he received any benefits under this act, and must make a reasonable showing that he does not have resources with which to finance his education. Inability to read because of defective eyesight may be established for the purposes of this act by a letter from a physician skilled in treatment of the eye.

Qualifications for benefits. Amendment. SEC. 2. Section 2, chapter 154, Laws of 1935 (sec. 4542-2, Rem. Rev. Stat. Supp.), is amended to read as follows:

Allocations to blind students. Section 2. There is hereby allocated to each and every blind student attending any institution of higher learning within the State of Washington a sum not to exceed one hundred fifty dollars (\$150.00) per quarter, or so much thereof as may be necessary in the opinion of the board administering this act, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution

of higher learning: *Provided*, That the said institution notifies the board administering this act that it will waive tuition and laboratory fees for the said blind student; said allocation to be made out of the monies in the General Fund not otherwise appropriated for the purposes aforesaid.

Proviso.

SEC. 3. Section 3, chapter 154, Laws of 1935 (sec. 4542-3, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Section 3. All money or moneys necessary to carry out the provisions of this act shall be distributed under the supervision of the State Board of Education of the State of Washington. The moneys or any part thereof allocated in the manner more particularly referred to in the section next preceding this shall, for furnishing said books or equipment or supplying said services, be paid by said State Board of Education directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds: *Provided, however*, That any portion of said annual allowance for the use of any blind student which is unexpended for readers, books and equipment may, in the discretion of said State Board, be by it used for the purpose of defraying personal living expenses of said blind student while attending said institution of higher learning: *And provided further*, That no blind student shall be charged any tuition or laboratory fee while attending any state institution.

Moneys distributed under supervision of State Board of Education.

Unexpended portion may be used to defray living expenses.

No tuition or laboratory fees.

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

Emergency.

Passed the Senate March 2, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 233.

[S. B. 175.]

DIRECT AMENDMENTS OF CITY CHARTERS.

AN ACT relating to direct amendment of city charters and amending section 1, chapter 186, Laws of 1903.

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

Amendment.

SECTION 1. Section 1, chapter 186, Laws of 1903 (sec. 8963, Rem. Rev. Stat.), is hereby amended to read as follows:

Submission of amendments.

Section 1. On petition of a number (equal to fifteen per cent of the total number of votes cast at the last preceding general state election) of qualified voters of any municipality having adopted a charter under the laws of this State, asking the adoption of a specified charter amendment, providing for any matter within the realm of local affairs, or municipal business, the said amendment shall be submitted to the voters at the next regular municipal election, occurring thirty days or more after said petition is filed, and if approved by a majority of the local electors of the municipality voting upon it, such amendment shall become a part of the charter organic law governing such municipality.

Passed the Senate February 19, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 234.

[S. B. 250.]

MOTOR VEHICLES.

AN ACT relating to motor vehicles; the operators' fees thereof; and to motor vehicle fuel and the tax thereon; prescribing penalties; amending section 17, chapter 58, Laws of 1933, as last amended by section 4, chapter 84, Laws of 1943; and amending section 19, chapter 58, Laws of 1933, and section 32, chapter 188, Laws of 1937, as last amended by section 9, chapter 164, Laws of 1947.

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

SECTION 1. Section 17, chapter 58, Laws of 1933, as last amended by section 4, chapter 84, Laws of 1943 (sec. 8327-17, Rem. Supp. 1943), is amended to read as follows:

Section 17. 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 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

Vetoed.

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.

Vetoed.

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 interstate or foreign commerce and intended to be sold while the same are in interstate or foreign commerce, nor to any motor vehicle fuel, or other inflammable petroleum products, exported from this state by a qualified distributor, nor to any motor vehicle fuel, or other inflammable petroleum products, sold by a qualified distributor to the government of the United States or any department thereof for official use exclusively in the operation of aircraft engines, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation gasoline dealers and/or users as authorized and under regulations prescribed by the Director of Licenses, 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. The Director shall require aviation gasoline dealers and users to file with him, in such form as he shall prescribe, a bond of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) duly executed by such person as principal with corporate surety in the manner authorized by section 7246 of Remington's Revised Statutes of Washington, as amended, which bond shall be payable to the State of Washington conditioned upon faithful performance of all of the requirements of this act and regulations adopted hereunder.

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 sixty (60) 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.

Vetoed.

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.

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 Washington, or any political subdivision thereof, on the propulsion of motor vehicles as herein defined.

Vetoed.

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.

Amendment.

SEC. 2. Section 19, chapter 58, Laws of 1933 (sec. 8327-19, Rem. Rev. Stat. Supp.), is amended to read as follows:

Penalties for violations.

Section 19. 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.

Any person, firm, association or corporation or any officer or agent thereof who, through false statement, trick or device, or otherwise, obtains motor vehicle fuel for export and fails to export the same or any portion thereof, or causes said motor vehicle fuel or any thereof not to be exported, or who diverts said motor vehicle fuel or any thereof or who causes to be diverted from interstate or foreign transit begun in this state, or who unlawfully returns said fuel or any thereof to this state and sells or uses said fuel or any thereof in this state or causes said fuel or any thereof to be used or sold in this state and fails to notify the distributor from whom such motor vehicle fuel was originally purchased of his act, and any distributor or other person who conspires with any person, firm, association or corporation, or any officer or agent thereof, to withhold from export, or divert from interstate or foreign transit begun in this state, or to return motor vehicle fuel to this state for sale or use with intent to avoid any of the taxes imposed by this act, 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 in the county jail. Each shipment illegally diverted or illegally returned shall be construed a separate offense, and the unit of each shipment shall be the cargo of one vessel, or one railroad carload, or one automobile truck load, or such truck and trailer

Illegal diversion or return of fuel to state.

Penalty.

load, or one drum, or one barrel, or one case or one can.

Unlawful acts:

(b) It shall be unlawful for any person to commit any of the following acts:

Display fictitious license.

1. To display, or cause to permit to be displayed, or to have in possession, any motor vehicle fuel transport or distributor's license knowing the same to be fictitious or to have been suspended, cancelled, revoked, or altered;

Lend license.

2. To lend to, or knowingly permit the use of, by one not entitled thereto, any motor vehicle fuel transport or distributor's license issued to the person lending it or permitting it to be used;

Display license of another.

3. To display or to represent as one's own any motor vehicle fuel transport or distributor's license not issued to the person displaying the same;

Make false application.

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;

Refuse permission to examine books.

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 use or sale and delivery of motor vehicle fuels within the State of Washington;

Use of fuel procured for aircraft engines for other purposes.

6. To receive, purchase or otherwise acquire motor vehicle fuel free of the tax for use in the operation of aircraft engines and thereafter use or permit such fuel to be used for other purposes, or to sell or otherwise distribute such fuel for purposes other than use in aircraft engines.

Penalty for violations.

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.

SEC. 3. Section 32, chapter 188, Laws of 1937, as last amended by section 9, chapter 164, Laws of 1947 (sec. 6312-32, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section 32. At the time application is made to the Director of Licenses, the County Auditor or other agent for the issuance of a vehicle license, or for transfer of vehicle license, change in vehicle license classification or for original or increase in vehicle gross weight license or seating capacity, the applicant shall pay to the Director of Licenses, County Auditor or other agent a fee [of] fifty cents (50¢) for each application in addition to the license fee for such vehicle, which fee of fifty cents (50¢), if paid to the County Auditor as agent of the Director of Licenses, shall be paid to the County Treasurer in the same manner as other fees collected by the County Auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the Director of Licenses then the same shall be used by such agent to defray his expenses in handling the applications. All such filing fees collected by the Director of Licenses or branches of his office shall be certified to the State Treasurer and deposited to the credit of the Motor Vehicle Fund. Fee for application for license.

Passed the Senate March 8, 1949.

Passed the House March 6, 1949.

Approved by the Governor March 21, 1949, with the exception of Section 1, which is vetoed.

CHAPTER 235.

[S. B. 164.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation; providing for experience rating credit; providing for relief from unemployment caused by sickness, accident, or injury; providing for benefits, contributions, funds, and the receipt of monies; amending chapter 35, Laws of 1945; repealing sections 108, 109 and 136 to 179, inclusive, chapter 35, Laws of 1945, and chapter 50, Laws of 1947; making an appropriation; declaring an emergency and providing effective dates.

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

Repealing clause.

SECTION 1. Sections 108 and 109 of chapter 35 of the Laws of 1945 as amended, and chapter 50 of the Laws of 1947 (sec. 9998-246 and sec. 9998-247, Rem. Rev. Stat., 1947 Supp.), are hereby repealed.

Amendment.

SEC. 2. A new section to be known hereafter as section 108 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Definitions.

Section 108. *Meaning of Terms.* As used in this chapter,

"Computation date."

(a) "Computation date" means January first of any year.

"Cut-off date."

(b) "Cut-off date" means March thirty-first next following the computation date.

"Effective date."

(c) "Effective date" means June thirtieth next following the computation date.

"Credit year."

(d) "Credit year" means the four consecutive calendar quarters immediately following the effective date.

"Payroll."

(e) "Payroll" means all wages paid by an employer to individuals in his employment.

"Qualified employer."

(f) "Qualified employer" means any employer who had employment in each of the four consecutive calendar years immediately preceding the computation date and who filed contribution reports thereon on or before the cut-off date: *Provided, however,* That no employer shall be deemed a qualified em-

ployer if he has reported no employment for four or more consecutive calendar quarters in such four calendar years: *And provided further,*

(1) When an employer or prospective employer has acquired all or substantially all the operating assets of an employer, the experience of both during such four calendar years shall be jointly considered for the purpose of determining and establishing the acquiring party's qualification for and amount of credit, and the transferring employer shall be divested of his experience, or

(2) When an employer or prospective employer has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable, the entire payroll experience of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payroll for the four preceding completed calendar quarters attributable to the operating assets conveyed and retained.

(g) "Surplus" means the lesser of (1) that amount by which the moneys in the Unemployment Compensation Fund as of the effective date, after subtracting the amount of credits previously established under this chapter and outstanding as valid on such date, exceed four times the amount of contributions paid on the payrolls reported by all employers on or before the cut-off date for the preceding calendar year, or (2) an amount equal to forty per cent (40%) of the contributions so paid for the preceding calendar year. No portion of the surplus shall be credited to any employer unless the amount of the surplus is at least ten per cent (10%) of the amount of the contributions paid on the payrolls reported by all employers on or before the cut-off date for the preceding calendar year. "Surplus."

Amendment. SEC. 3. A new section to be known hereafter as section 109 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Establishment of credits. Section 109. *Establishment of Credits.* The amount of credit for each qualified employer shall be established in the following manner:

Six credit classes of qualified employers. (a) Qualified employers shall be grouped into six credit classes, to be designated as classes 6, 5, 4, 3, 2, and 1, in accordance with the sum of the quotients of annual decreases of payroll in regard to the three consecutive calendar years immediately preceding the computation date, each such quotient to be obtained by dividing any decrease of the payroll of a qualified employer in any calendar year from the preceding calendar year by the amount of the payroll in such preceding calendar year, each division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded. Each qualified employer's credit class shall be determined from the sum of such employer's quotients of annual decrease of payroll in accordance with the following schedule:

Schedule of annual decrease quotients.

<i>Sum of Annual Decrease Quotients</i>	<i>Credit Class</i>
0.0000 to 0.0999	6
0.1000 to 0.2999	5
0.3000 to 0.4999	4
0.5000 to 0.6999	3
0.7000 to 0.7999	2
0.8000 or more	1

"Class weight."

(b) A "class weight" shall be assigned to each credit class as follows:

<i>Credit Class</i>	<i>Class Weight</i>
6	6
5	5
4	4
3	3
2	2
1	0

"Class product."

(c) The "class product" shall be obtained by dividing the total of the payrolls for the calendar year

immediately preceding the computation date for all qualified employers in the same class by the total of the payrolls of all qualified employers for such year, such division being carried out to the fourth decimal place, and multiplying the quotient by the class weight.

(d) The surplus to be credited to each class shall be the product obtained by dividing the class product for each class by the sum of the class products for all classes and multiplying the quotient by the surplus to be credited to all employers. No portion of the surplus shall be credited to credit class 1.

Surplus to be credited.

(e) The "class credit factor" shall be the quotient obtained by dividing the portion of the surplus assigned to any class of qualified employers by the sum of the payrolls of all employers in that class for the calendar year immediately preceding the computation date, such division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded.

"Class credit factor."

(f) The portion of the surplus which is to be credited to any qualified employer is the product obtained by multiplying his payroll in the calendar year immediately preceding the computation date by the class credit factor of his class.

Surplus credited to qualified employer.

(g) As soon as practicable after the effective date, each qualified employer shall be furnished a notice showing the amount of credit to which he is entitled, if any. The amount shown on the notice may be applied only against contributions which are payable by him on wages paid in the credit year and reported not later than the date prescribed by the Commissioner for payment of contributions on wages paid in the last quarter of such credit year, except that when an employer or prospective employer has acquired all or substantially all the operating assets of a qualified employer, any unused portion of the credit of the transferring employing unit shall be transferred to the acquiring employer who

Notice to qualified employer showing entitled credits.

Application of credits.

Unused credits.

may apply such acquired credit only upon contributions which accrue and become due from such employer by reason of employment subsequent to the date of acquisition and prior to the end of the current credit year: *Provided*, That the transferring employing unit has submitted all reports and has paid all contributions and interest due to the date of such acquisition.

Proviso.

Amendment.

SEC. 4. A new section to be known hereafter as section 110 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Section 110. *Experience Rating Credit Redetermination, Correction and Appeal Procedure.*

Redetermination of employer credits.

(a) Redetermination of Employer Credit. Within one year from the effective date the Commissioner may reconsider the credit allowed any employer whenever he finds that there has been an error in the computation evident from the payroll data or other facts submitted by the employer prior to the cut-off date. When an increase is due, he shall issue to such employer a supplementary credit notice reflecting the increase in the employer's credit; however, when a credit notice has been issued to an employer whose credit is reduced, such notice shall be deemed cancelled and a revised notice issued. If the credit shown by the incorrect notice has already been applied in payment of contributions in excess of the correct credit, the employer shall thereupon become liable for payment into the fund in an amount equal to the excess of the credit taken by him over the credit to which he is entitled and such amount shall be deemed and collected as contributions payable under this act.

Notice.

Correction or modification of employer's payroll.

(b) Corrections. (1) Corrections or modifications of an employer's payroll shall not be taken into account for the purpose of an increase of his credit unless such corrections or modifications were established on or before the cut-off date.

(2) Corrections or modifications of an employer's payroll may be taken into account within three years after the cut-off date, for the purpose of a reduction of his credit.

(c) Increases or Reductions Not to Affect Other Credit. Increases or reductions of an employer's credit shall not affect the credits established or to be established for any other employer, and shall further not affect any other computation made under this chapter.

Increases or reductions shall not affect other credit.

(d) Appeal Procedure. Any employer dissatisfied with the amount of credit shown on his credit notice or revision thereof may file a request for adjustment with the Commissioner within thirty days of the mailing of such credit notice to the employer, showing wherein the amount of credit may be in error. Should such request for adjustment be denied the employer may within ten days of the mailing of such notice of denial of adjustment file with the Appeal Tribunal a petition for hearing which shall be heard in the same manner as a petition for a denial of refund. The appellate procedure prescribed by this act for further appeal shall apply to all denials of adjustment.

Appeal procedure.

Request for adjustment.

Petition for hearing to Appeal Tribunal.

SEC. 5. The provisions of sections 1, 2, 3 and 4 of this act shall take effect July 1, 1949: *Provided, however,* The experience rating credits heretofore issued pursuant to the provisions of chapter 50 of the Laws of 1947 are hereby authorized to be applied in payment of contributions until such credits have been used or expire on July 31, 1949, as provided by chapter 50 of the Laws of 1947.

Effective date of provisions.

CHAPTER XI. DISABILITY COMPENSATION

SEC. 6. Sections 136 through section 179, inclusive, of chapter 35 of the Laws of 1945 (sec. 9998-274 through sec. 318, Rem. Rev. Stat., 1945 Supp.), are hereby repealed.

Repealing clause.

Amendment. SEC. 7. A new section to be known hereafter as section 136 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Unemployment and disability compensation related. Section 136. *Unemployment and Disability Compensation Related.* The general provisions of chapters I, II, III, IV, V, VI, VII, X, XII and XIII, of the Unemployment Compensation Act shall apply in respect to chapter XI, Disability Compensation, except as hereinafter made specifically non-applicable.

(a) Sections 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 89, 108, 109, 110, 111, 112, 113, 114, 115 and 116 shall not apply in respect to chapter XI, Disability Compensation.

Amendment. SEC. 8. A new section to be known hereafter as section 137 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Definitions. Section 137. *Definitions.* The following words and phrases as used in the provisions of this chapter shall have the following meanings unless the context clearly requires otherwise:

"Disability." (a) "Disability" shall mean any physical or mental condition due to an injury or illness which renders an individual incapable of performing his regular or customary work. In no case shall the term "disability" include any injury or illness caused by or arising in connection with pregnancy up to the termination of such pregnancy and for a period of four (4) weeks thereafter.

"Disabled." (b) "Disabled"—An individual with a "disability" shall be deemed disabled.

"Disability benefits." (c) "Disability benefits" shall mean the compensation payable to an individual with respect to his unemployment due to a "disability".

Amendment. SEC. 9. A new section to be known hereafter as section 138 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Section 138. *Disability Compensation Fund.* There is hereby established a Disability Compensation Fund which shall be maintained separate and apart from all public moneys or funds of this state including the Unemployment Compensation Fund and the Unemployment Compensation Administration Fund. This Fund shall be administered by the Commissioner exclusively for the purpose of providing "disability benefits" as that term is defined herein. All moneys which are deposited or paid into this Fund are hereby made available to the Commissioner and shall be expended solely for the purpose of paying disability benefits, payment of refunds, and defraying the costs of administration under the provisions of this chapter. All moneys in this Fund shall be deposited, administered, and disbursed by the treasurer of the Fund under rules and regulations prescribed by the Commissioner and none of the provisions of section 5501 of Remington's Revised Statutes, as amended, shall be applicable to this Fund. The Treasurer of the Unemployment Compensation Fund shall be the treasurer of the Disability Compensation Fund and shall give a bond in an amount fixed by the State Administration Board in a form prescribed by law or approved by the Attorney General. Said bond shall be conditioned upon the faithful performance of the Treasurer's duties in connection with the Disability Compensation Fund and the premiums for said bond shall be paid from such Fund. All sums recovered on the official bond for losses sustained by this Fund shall be deposited in said Fund.

Disability
Compensa-
tion Fund
established.

Administra-
tion and
purpose
of Fund.

Treasurer.

Bond of
Treasurer.

SEC. 10. A new section to be known hereafter as section 139 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Amendment.

Section 139. *Sources of Disability Compensation Fund.* All moneys in the Disability Compensation

Sources of Disability Compensation Fund.

Fund shall be commingled and undivided and said fund shall consist of:

- (a) All disability compensation contributions collected pursuant to the provisions of this act;
- (b) all interest on disability compensation contributions collected pursuant to the provisions of this act;
- (c) interest earned upon any moneys in the fund;
- (d) any property or securities acquired through the use of moneys belonging to the fund;
- (e) all earnings of such property or securities; and
- (f) all moneys received for the fund from any other source, or granted to this state for the payment of disability benefits or the cost of administration.

Amendment.

SEC. 11. A new section to be known hereafter as section 140 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Administration expenses.

Section 140. *Administration Expenses.* The Commissioner is hereby authorized to allocate to and use for the expense of administering the provisions of this chapter a sum not to exceed six hundredths of one per cent (0.06%) of the wages for the preceding calendar year reported for disability compensation purposes not later than the following March. All officers and employees administering the provisions of this chapter shall be selected and appointed on the basis of merit in the same manner as other personnel of the Employment Security Department:

Provided, however, The Commissioner may enter into contracts with established medical organizations for the purpose of employing such organizations' facilities and personnel to administer this act more efficiently.

Maximum amount.

Appointment of personnel.

Proviso.

Amendment.

SEC. 12. A new section to be known hereafter as section 141 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Section 141. *Disability Benefit Eligibility Conditions.* An individual shall be eligible to receive disability benefits with respect to any period in which he is unemployed due to a disability if the Commissioner finds that:

Disability benefit eligibility requirements.

(a) A claim for disability benefits has been filed in accordance with the provisions of this act and such regulations as the Commissioner may prescribe;

Claim has been filed.

(b) he has been continuously disabled for a waiting period of seven (7) consecutive days during each period of disability: *Provided, however,* That a waiting period shall not be required for a second period of disability due to the same or related cause or causes commencing not later than three (3) weeks subsequent to the termination of a prior disability compensated pursuant to the provisions of this act: *And provided further,* When unemployment immediately precedes an individual's period of disability, which disability exists for a period of not less than seven (7) days, he may apply consecutive days of such unemployment toward his disability waiting period credit if such days of unemployment occurred during a period in which he would have been eligible for waiting period credit or benefits pursuant to the Unemployment Compensation Act except for his disability;

Has been disabled continuously for waiting period.

(c) he has within the base year earned wages sufficient to qualify him for unemployment compensation benefits; and

Has qualified for unemployment compensation and benefits.

(d) he is under the care of a legally licensed physician or surgeon or legally licensed dentist acting within the scope of his practice and has complied with such regulations as the Commissioner may prescribe relating to proof of his disability including certification or examination by a physician or a surgeon licensed pursuant to the provisions of sections 10008 or 10056 of Remington's Revised Statutes and practicing in this state, a dentist licensed

Is under care of physician or dentist.

by and practicing within this state or any physician, surgeon, or dentist in the employ of the United States government: *Provided, however,* If the Commissioner shall designate the physician or surgeon to make the examination, the fees, if any, for such examination shall be paid from the Disability Compensation Fund.

Proviso.

Amendment.

SEC. 13. A new section to be known hereafter as section 142 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Claims for deceased and incompetent persons.

Section 142. *Claims for Deceased and Incompetent Persons.* Benefits due a deceased or legally declared incompetent person may be claimed by and paid to the disabled individual's spouse, the head of the family with whom he resides, his legal representative, or his estate.

Amendment.

SEC. 14. A new section to be known hereafter as section 143 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Attachment to labor market.

Section 143. *Attachment to Labor Market.* An eligible individual may be disqualified for disability waiting period credit or disability benefits with respect to any week unless he has made proof of his attachment to the labor market in accordance with such regulations as the Commissioner shall prescribe. Such regulations may require proof that:

Proof of attachment.

(a) The individual has received remuneration from an employing unit or employing units for personal services performed for at least ten (10) days at some time during the three (3) months period preceding the first day of his current disability unless during such period the individual has been unable to work or apply for work due to a disability; or

(b) if the individual has been unemployed during the three (3) months period preceding the first day of his current disability he has within the month immediately preceding his disability demonstrated his availability for work by applying for work

through the Washington State Employment Service or some other referral agency approved by the Commissioner or actively seeking work on his own behalf unless during such period the individual was unable to work or apply for work due to a disability.

SEC. 15. A new section to be known hereafter as section 144 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 144. *Disability Benefit Disqualifications.* Disability benefit disqualifications.
 An individual shall be disqualified for waiting period credit or disability benefits for the period with respect to which

(a) he has wilfully made a false statement or representation or wilfully failed to report a material fact, to obtain any benefit under the provisions of this chapter and for the fifty-two (52) next following weeks; False statement or failure to report material fact.

(b) he is suffering from a willful and intentional self-inflicted disability, or Willful self-inflicted disability.

(c) he is suffering from a disability occasioned while perpetrating a felony. Disability acquired committing a felony.

SEC. 16. A new section to be known hereafter as section 145 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 145. *Industrial Insurance Limitation.* Industrial insurance limitation.
 An individual shall not be entitled to waiting period credit or disability benefits for any period with respect to which he has been awarded temporary total disability benefits under the Workmen's Compensation law or occupational disease law of this or any other state or of the Federal government.

SEC. 17. A new section to be known hereafter as section 146 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 146. *Subrogation.* Subrogation.
 Whenever an individual has been paid benefits for disability under this act and whose claim for temporary total disability compensation for the same disability under the

Reimbursement to Disability Compensation Fund.

Workmen's Compensation Act of this state is allowed, the Department of Labor and Industries shall reimburse the Disability Compensation Fund to the extent of the payment from the Disability Compensation Fund out of the amount allowed on said claim for temporary total disability under the said Workmen's Compensation Act; and whenever an individual has been paid benefits for disability pursuant to a private plan approved by the Commissioner under the provisions of this act and whose claim for temporary total disability compensation for the same disability under the Workmen's Compensation Act of this state is allowed, the Department of Labor and Industries shall reimburse such insurer to the extent of payment to the claimant by the insurer out of the amount allowed on said claim for temporary total disability under the Workmen's Compensation Act. In accordance with the foregoing provisions of this section the Commissioner, or in the case of payment by a private insurer, the insurer, shall be subrogated to such rights as such individual has under the Workmen's Compensation Act of this state. Any moneys received by the Commissioner pursuant to the provisions of this section shall be deposited in the Disability Compensation Fund.

Reimbursement of insurer under private plan.

Subrogation to rights of individual under Workmen's Compensation.

Amendment.

SEC. 18. A new section to be known hereafter as section 147 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Total and weekly amount of disability benefits.

Section 147. *Amount of Disability Benefits.* The total amount of disability benefits and the weekly amount of disability benefit payable to an eligible individual under this chapter during any one benefit year shall be amounts equal to the total amount of unemployment compensation and the weekly benefit amount of unemployment compensation to which such individual would be entitled computed in accordance with the provisions of section 80 of the Unemployment Compensation Act. Benefits for pe-

riods of less than a full week shall be computed at the rate of one seventh (1/7) of his weekly benefit amount for each full day during which he is disabled.

Benefits of less than full week.

The weekly benefit amount payable to an individual under any of the provisions of this chapter, if not a multiple of one dollar (\$1) shall in each case be computed to the next higher multiple of one dollar (\$1).

Weekly benefit amount computations

SEC. 19. A new section to be known hereafter as section 148 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Amendment.

Section 148. *Effective Date for Filing.* No payment shall be made for disability from the Disability Compensation Fund for any week commencing prior to January 1, 1950.

Effective date for payments from Disability Compensation Fund.

SEC. 20. A new section to be known hereafter as section 149 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Amendment.

Section 149. *Non-Liability of State for Disability Benefits.* Disability 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 Disability Compensation Fund, and neither the state nor the Commissioner shall be liable for any amount in excess of such sums.

Non-liability of state for disability benefits.

SEC. 21. A new section to be known hereafter as section 150 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Amendment.

Section 150. *Disability Contributions.* On and after July 1, 1949, each employer subject to the Unemployment Compensation Act except as exempted by the provisions of this chapter shall deduct from "wages" paid individuals in his employment a contribution equal to one per cent (1%) of such "wages," which contributions the employer shall pay into the Disability Compensation Fund. All moneys

Disability contributions.

Amount of deduction from wages.

Deductions held in trust by employer.

deducted by an employer from "wages" paid for employment shall be held in trust by such employer for the sole and exclusive purpose of payment to the Disability Compensation Fund. If at any pay period the employer fails to deduct the employee contribution from "wages" paid such deduction must be withheld from the "wages" paid at the next pay period or the employer alone shall be liable for such contribution and the same shall not subsequently be deducted by the employer from "wages" paid.

Failure of employer to deduct from wages.

Amendment.

SEC. 22. A new section to be known hereafter as section 151 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Payments of contributions to Disability Compensation Fund.

Section 151. *Payment to Disability Compensation Fund.* Contributions shall become due and be paid by each employer to the Treasurer of the Disability Compensation Fund in accordance with such regulations as the Commissioner may prescribe. If such contributions are not paid on the date on which they are due and payable as prescribed by the Commissioner, the provisions of the Unemployment Compensation Act relating to contributions, including interest, refund and adjustment, lien rights, assessments, collection remedies, appeal and review procedure shall apply to such disability contribution payments: *And provided further,* On March 31 of each year the Treasurer of the Disability Compensation Fund shall deduct from the Disability Compensation Fund and remit to the State Treasurer for payment into the General Fund one per cent (1%) of the disability compensation contributions collected for the prior calendar year.

Failure to pay contributions on due date.

Annual payment to General Fund.

Amendment.

SEC. 23. A new section to be known hereafter as section 152 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Experience rating study.

Section 152. *Experience Rating.* The Commissioner shall conduct a study concerning the desirability of experience rating the contributions

payable to the Disability Compensation Fund and shall, on or before January 1, 1951, report his findings to the Legislature with any recommendations for legislation with respect thereto.

SEC. 24. A new section to be known hereafter as section 153 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 153. *Religious Exemption.* Any individual who adheres to the faith or teachings of any church, sect, or denomination and in accordance with its creed, tenets, or principles, depends for healing upon prayer or spiritual means in the practice of religion shall be exempt from the provisions of this act and excluded therefrom upon the filing with the Employment Security Department and with his or her employer, affidavits, in duplicate, stating such adherence and dependence, and disclaiming any and all benefits under this act, and stating therein the name of the employer of such individual, which affidavits shall contain certifications by an officer of the individual's church, or certifications of any practitioner in the State of Washington who is authorized to practice healing based upon prayer or spiritual means, stating such adherence and dependence of such individual. Thereafter said individual and his employer shall be exempt from liability for contributions with respect to said individual provided for under this act, and the employer shall be entitled to rely upon the affidavit filed with it unless and until it shall receive notice from the Commissioner that the provisions hereof have not been complied with or that such affidavit is not in proper form. In case such individual, after the filing of such affidavits, obtains new employment, he must file new affidavits in order to be exempt from the provisions of this act. Religious exemption from provisions of act.

Filing of affidavits of religious adherence.

Contents of affidavit.

Must file new affidavit for new employment.

Amendment. SEC. 25. A new section to be known hereafter as section 154 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Refund for overpayment to Fund. Section 154. *Overpayment to Disability Compensation Fund.* Refund shall be made from the Disability Compensation Fund of any sum received into the fund in excess of one per cent (1%) of the first three thousand dollars (\$3,000) of remuneration paid to an individual for services in one (1) calendar year (whether paid to him by one or more employers). If such excess sum has been deducted from remuneration paid to such individual (by one or more employers) it shall be refunded to the individual. That part of such excess sum which has not been deducted from remuneration paid to an individual by any employer as required by this act, after deduction of all claims of the Employment Security Department, shall be refunded to the employer who paid such excess sum. Any individual or employer entitled to a refund under the provisions of this section may file a petition for refund, adjustment, or credit with the Commissioner within three (3) years after the deduction or payment in question was made. Refunds, adjustments, and credits, provided for by this section shall be made in the same manner as provided for refund of unemployment compensation contributions and the appeal procedure in respect thereto shall be applicable to any employer or individual who files a petition for refund, or adjustment, of disability compensation contributions pursuant to the provisions of this section. Whenever an employer has deducted more than the correct amount of disability contributions imposed by this act from any payment made to any individual for services, but such excess amount has not been paid to the Disability Compensation Fund, the employer shall be liable to the individual for such excess amount and neither the

Excess payments.

Refund to employee.

Refund to employer.

Petition for refund.

Time limit for filing.

Excess funds deducted by employer but not yet deposited in Fund.

Commissioner, the State, nor the Disability Compensation Fund shall be liable therefor.

SEC. 26. A new section to be known hereafter as section 155 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 155. *Private Plans.* The Commissioner may approve a private plan for the payment of disability benefits provided the majority of the employees of any separate establishment of an employer consent to such plan. At the end of each calendar year the Commissioner shall determine the amount expended by the Employment Security Department for additional administrative expense occasioned by the existence of such private plans; the total amount so determined shall be prorated among the approved private plans in effect during the calendar year on the basis of the amount of wages paid in employment by employers to individuals participating in such plans; the Commissioner shall assess the insurers of the private plans the amounts so prorated which amounts shall not exceed two hundredths of one per cent (0.02%) of wages paid to individuals participating in such plans during the calendar year. With the exception of such contributions, and reimbursement to the Disability Compensation Fund in accordance with the provisions of section 160 such employers with approved private plans shall be exempt from contribution to the Disability Compensation Fund for the period such plans remain in effect and are approved by the Commissioner. Private plans.
Approval of majority of employees.
Additional administrative costs of private plans.
Costs to be pro-rated among the private plans.
Assessment of costs.
Maximum assessments.
Employers exempt from contributions to Fund.

SEC. 27. A new section to be known hereafter as section 156 is hereby added to chapter 35 of the Laws of 1945, to read as follows: Amendment.

Section 156. *Nature of Private Plans.* A private plan approved by the Commissioner may be one of the following types: Types of private plans

Contract
with insurer.

(a) Contract with insurer. Any employer (or group of employers) subject to this act may secure payments to his employees for disability by making a contract for this purpose with a corporation or association licensed to do business in this state in the field of health or disability insurance. Such contracts are subject to the Commissioner's approval and to the rules and regulations promulgated by him.

Guarantee;
self-insurer.

(b) Guarantee; Self-insurer. Any employer (or group of employers) who furnishes satisfactory proof to the Commissioner of his financial ability to make payments for disability as provided in this act and who deposits with the Commissioner such securities as the Commissioner deems necessary in an amount to be determined by the Commissioner to secure the liability to make payments for disability as provided in this act and who complies with any standards, conditions, or other requirements which the Commissioner may prescribe, may guarantee payments for disability to his employees upon the Commissioner's approval.

Arrange-
ments by
employees'
associations.

(c) Arrangements by employees' associations. Arrangements for payments for disability may be made by an employee association licensed to do business in this field in this state which complies with standards, conditions, and other requirements prescribed for this purpose by the Commissioner. Such arrangements are subject to the Commissioner's approval and to rules and regulations promulgated by him.

Amendment.

SEC. 28. A new section to be known hereafter as section 157 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Approval of
private plans.

Section 157. *Approval of Private Plans.* The Commissioner shall approve any contract, guarantee, or arrangement as described in section 156 only after he has determined that:

Require-
ments.

(a) The rights afforded to the covered employees are as great as those provided under the state plan;

Coverage.

(b) the cost to the employee in relation to the benefits provided is no more than under the state plan;

Cost to employee.

(c) the plan has been made available to all individuals in the employment of the employer within this state except that if the employer maintains more than one distinct separate establishment in this state, the plan has been made available to all employees of any such establishment;

Availability to all individuals in employment of employer.

(d) the majority of the employees of the employer employed in this state have consented to the plan except that if the employer maintains more than one distinct separate establishment in this state a majority of the employees employed at any such establishment have consented to the plan;

Consent of majority of employees.

(e) the plan contains a provision that it will be in effect for not less than one year and, in any event, until December 31, 1950, and that no reduction in disability benefits or increase in employee contributions for disability benefits will be made while the plan is in effect without the prior approval of the Commissioner. Such approval shall be given only if the Commissioner finds that a majority of the employees covered by the plan have consented in writing to the modification and that the plan after such modification will continue to meet approval requirements;

Plan must be in effect at least one year.

(f) the approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Compensation Fund; the Commissioner shall adopt appropriate rules and regulations for the purpose of determining whether or not the approval of a plan or plans shall be deemed to result in a substantial selection of risks adverse to the Disability Compensation Fund; such rules and regulations shall

Risks adverse to the Fund.

Rules and regulations.

provide that all previously approved private plans underwritten by an insurer shall be taken into consideration in the determination of whether or not the approval of an additional private plan to be underwritten by such insurer results in substantial selection of risks adverse to the Disability Compensation Fund;

Inclusion of future employees.

(g) the plan provides for the inclusion of future employees;

Reimburse-ments to Fund by insurer.

(h) the plan provides that the insurer shall reimburse the Disability Compensation Fund in accordance with the provisions of section 160;

Rights of appeal to employee.

(i) the plan provides that an individual when denied disability benefits by the insurer shall retain all of his rights of appeal in accordance with the procedures established by the Unemployment Compensation Act, and the determination of either the appeal tribunal or the Commissioner, or in case of further appeal the determination of the Court shall be binding upon the insurer who shall thereupon make payment to the claimant in accordance with such determination.

Amendment.

SEC. 29. A new section to be known hereafter as section 158 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Reports to Commission-er.

Section 158. *Reports.* Employers whose employees are participating in an approved private plan and any insurer of an approved private plan shall furnish such reports and information and make available to the Commissioner such records as he may by regulation require for the proper administration of this act.

Amendment.

SEC. 30. A new section to be known hereafter as section 159 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Termination of private plans.

Section 159. *Termination of Private Plans.* Any approved plan failing to comply with the provisions of section 157 shall be determined by the Com-

missioner to be terminated; the interested employer or insurer may file an appeal with the appeal tribunal from such determination within ten (10) days after the date of notification or mailing, whichever is earlier, to his last known address. Such appeal shall be in accordance with the procedures established by the Unemployment Compensation Act for hearing and determining contribution appeals.

Appeal.

SEC. 31. A new section to be known hereafter as section 160 is hereby added to chapter 35 of the Laws of 1945, to read as follows:

Amendment.

Section 160. *Commissioner Authorized to Make Payments and Assessments.* The Commissioner is authorized to make disability benefit payments from the Disability Compensation Fund to individuals otherwise eligible, who have ceased to be covered by private plans, whether by termination of the plan, change of employers, or other reason, upon the basis of wage credits upon which no disability contributions have been paid by reason of a private plan or plans which were then in effect: *Provided, however,* That in computing the amount of benefits to which such an individual may be entitled from the Disability Compensation Fund during the remainder of a benefit year during a portion of which he received benefits under a private plan, the amount of all benefits, at a weekly rate not exceeding the individual's weekly benefit rate pursuant to the provisions of this act, paid or to be paid to the individual under all approved private plans during that benefit year, whether before or after cessation of coverage, shall be deducted from the benefits payable from the Disability Compensation Fund during that benefit year; and *Provided further:*

Commissioner is authorized to make payments to employees where private plan ceases to cover.

Computation of amount of benefits.

(a) Disability compensation benefits paid from the Disability Compensation Fund to an unemployed individual for a period of disability commencing during the fourteen (14) days immediately

Period of disability commencing during 14 days following termination of employment.

Assessment of insurer.

subsequent to the termination of his employment shall be assessed by the Commissioner against the insurer of his last employer's private plan, if any;

Period of disability commencing more than 14 days after termination of employment.

(b) disability compensation benefits paid to unemployed individuals for periods of disability commencing more than fourteen (14) days subsequent to termination of their employments shall be prorated among the various insurers including the State Disability Compensation Fund; on March 31 of each year the Commissioner shall assess each insurer of a private plan or plans that proportion of the total of such disability benefit payments paid during the prior calendar year which the wages exempt in such calendar year by reason of the existence of such private plan or plans bears to the total wages reported for such calendar year;

Assessment of insurer.

Termination of plan prior to December 30, 1951.

(c) if prior to December 31, 1951, any private plan or plans are terminated, all disabled individuals covered by such private plan or plans shall when otherwise eligible be paid disability benefits from the Disability Compensation Fund, but amounts paid for disability commencing during the coverage of such individuals under the private plan or plans or within the three (3) months period immediately subsequent to the date of termination of the private plan or plans shall be assessed against the insurer of such terminated private plan or plans; and

Assessment against insurer.

Manner of assessment and collection.

(d) all amounts assessed in accordance with the provisions of this section shall be assessed and collected in the same manner as unemployment and disability contributions except that interest shall not accrue on such charges until thirty (30) days after notice of such assessment.

Amendment.

SEC. 32. A new section to be known hereafter as section 161 is hereby added to chapter 35 of the Laws of 1945 to read as follows:

Double benefits prohibited.

Section 161. *Double Benefits Prohibited.* In no case shall an individual covered by a private plan

and eligible to receive disability compensation benefits thereunder be considered eligible to receive disability compensation benefits from the state Disability Compensation Fund for the same benefit period.

SEC. 33. *Appropriation.* For the purposes of administering this act there is hereby appropriated from the General Fund the sum of thirty thousand dollars (\$30,000), which sum shall be repaid to the General Fund from the Disability Compensation Fund not later than July 1, 1950.

Appropriation for administration of act.

SEC. 34. *Effective Date of Act.* An emergency exists and this act is necessary for the preservation of the public peace, health, safety and welfare, and the provisions of sections 6 to 33, inclusive, shall take effect on the first day of April, 1949.

Vetoed.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 21, 1949, with the exception of Section 34, which is vetoed.

CHAPTER 236.

[S. B. 186.]

HORSE RACING.

AN ACT relating to horse racing; amending chapter 55, Laws of 1933, as amended; and adding thereto new sections.

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

SECTION 1. Section 1, chapter 55, Laws of 1933, as amended (sec. 8312-1, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Section 1. Unless the context otherwise requires, words and phrases as used herein shall mean:

Definitions.

"Commission" shall mean the Washington Horse Racing Commission, hereinafter created.

"Commission."

"Person" shall mean and include individuals, firms, corporations and associations.

"Person."

"Race meet." "Race meet" shall mean and include any exhibition of thoroughbred or standard bred and harness quarter horse racing where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

Amendment. SEC. 2. Section 8, chapter 55, Laws of 1933 (sec. 8312-8, Rem. Rev. Stat. Supp.), is amended to read as follows:

Exclusive races for Washington bred horses. Section 8. For the purpose of encouraging the breeding, within this state, of valuable thoroughbred, quarter and/or standard bred race horses, at least one race of each day's meet shall consist exclusively of Washington bred horses.

Amendment. SEC. 3. Chapter 55, Laws of 1933, as amended (sec. 8312-1, et seq., Rem. Rev. Stat. Supp.), is amended by adding thereto a new section, to be known as section 13, and to read as follows:

Eligibility requirements for quarter horses. Section 13. A quarter horse to be eligible for a race meet herein shall be duly registered with the American Quarter Horse Association.

Amendment. SEC. 4. Chapter 55, Laws of 1933, as amended (sec. 8312-1, et. seq., Rem. Rev. Stat. Supp.), is amended by adding thereto a new section, to be known as section 14, and to read as follows:

Quarter horse races. Section 14. In any race meet in which quarter horses participate, only quarter horses shall be allowed to compete.

Passed the Senate February 11, 1949.

Passed the House March 4, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 237.

[H. B. 12.]

ADDITIONAL SUPERIOR COURT JUDGES.

AN ACT providing for an additional judge in the Superior Court of Spokane County; an additional judge in the Superior Court of Yakima County; an additional judge in the Superior Court of King County; and one judge for Adams County, prescribing for their appointment and election, and declaring an emergency.

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

SECTION 1. There shall be six judges of the Superior Court in Spokane County. Additional Superior Court Judges.

SEC. 2. There shall be three judges of the Superior Court in Yakima County.

SEC. 3. There shall be sixteen judges of the Superior Court in King County.

SEC. 4. There shall be one judge of the Superior Court in Adams County.

SEC. 5. The Governor shall, upon the taking effect of this act, appoint one additional judge for the Superior Court of Spokane County, one additional judge for the Superior Court of Yakima County and one additional judge for the Superior Court of King County, and one judge for Adams County, each of whom shall hold his office from the time of his appointment until his successor is elected and qualified, which said successor shall be elected at the general election to be held in November, 1950, to serve until the second Monday in January, 1953: *Provided*, That the successor so elected shall not be entitled to qualify until the second Monday in January, 1951, and, commencing with the second Monday in January, 1953, the succeeding terms of such judge shall be four years. Governor to appoint.
Successors to be elected.
Term of office.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, Emergency.

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

Passed the House March 6, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 238.

[H. B. 556.]

GAME ANIMALS.

AN ACT relating to game animals; prescribing the powers and duties of the State Game Commission with regard to damages caused by such animals; amending section 35, chapter 275, Laws of 1947, and section 62, chapter 275, Laws of 1947; adding five additional sections to chapter 275, Laws of 1947, to be known as sections 35a, 35b, 35c, 35d, 35e, 35f and 35g, and making an appropriation.

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

Amendment.

SECTION 1. Section 35, chapter 275, Laws of 1947, is hereby amended to read as follows:

Agreements for prevention of damage by wild animals and birds.

Section 35. The Commission, acting by and through the Director, may enter into written agreements with persons in all matters relating to prevention of damage of private property by wild animals and wild birds. Any such agreements may include but need not be limited to provisions concerning herding, feeding, fencing and other similar actions, to prevent such damage. Under any such agreement the Department may participate in the furnishing of money, material or labor to such extent as may be deemed necessary or advisable by the Commission.

Amendment.

SEC. 2. Section 62, chapter 275, Laws of 1947, is hereby amended to read as follows:

Section 62. It shall be lawful for the owner or tenant of any real property on which any crop is

being grown or any domestic animals or fowl are being kept to trap or kill at any time on such property, any wild animal or wild bird which is destroying any such crop, or injuring domestic animals or fowl, or any dike, drain or irrigation ditch. Such wild animal or wild bird, when so trapped or killed, shall remain the property of the state, and the person trapping or killing the same shall immediately notify the nearest State Game Protector as to where such wild animal or wild bird may be found.

Wild animals or birds destroying property.

Shall remain property of state.

Report to Game Protector.

It shall be unlawful for any person, after trapping or killing any wild animal or wild bird as above provided, to give away, eat, sell, or dispose of the same or any part thereof for profit.

Unlawful to dispose of wild animals or birds.

Provided, That this section shall not prohibit any license holder from trapping, killing, possessing or disposing of any wild animal or wild bird as otherwise provided by law or rule and regulation of the Commission.

Proviso.

For purposes of this section the word "crop" is defined as meaning an agricultural or horticultural seeded or planted crop and shall exclude all wild shrubs and range land.

"Crop" defined.

SEC. 3. Chapter 275, Laws of 1947, is amended by adding thereto a new section to be designated as section 35a, to read as follows:

Amendment.

Section 35a. In accordance with the terms and provisions of this and the sections immediately here following, and pursuant to such rules and regulations which may be promulgated by the State Game Commission hereunder, the said Commission, by and through the Director of the Department of Game, is hereby authorized to compromise, adjust, settle and pay claims for damages caused by beaver, deer or elk out of moneys from time to time appropriated to the Department of Game for such purposes.

Compromising, adjusting and settling of claims for damages caused by beaver, deer or elk.

Amendment.

SEC. 4. Chapter 275, Laws of 1947, is amended by adding thereto a new section to be designated as section 35b, to read as follows:

Payment of claims.

Section 35b. No payment of any such claim shall be made in excess of one thousand dollars (\$1,000), and in the event any claim is not adjusted, compromised or settled and paid by the Commission for a sum up to such amount, and within one (1) year from the filing of such claim the same may be filed with the State Auditor and referred to the Legislature for settlement. The payment of any claim by the said Commission shall be full and final payment upon such claim.

Amendment.

SEC. 5. Chapter 275, Laws of 1947, is amended by adding thereto a new section to be designated as section 35c, to read as follows:

Notice of claim to be filed.

Section 35c. Notice of all claims for damages caused by beaver, deer or elk shall be filed with the State Game Commission in the offices of the Department of Game, Seattle, King County, Washington, within thirty (30) days after the claimed damage shall have occurred. In the event the damages are unascertainable within such thirty (30)-day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency.

Failure to file claim.

Lands leased from public agency exempt.

Amendment.

SEC. 6. Chapter 275, Laws of 1947, is amended by adding thereto a new section to be designated as section 35d, to read as follows:

Rules and regulations governing claims.

Section 35d. The State Game Commission may promulgate rules and regulations requiring affidavits and prescribing the forms thereof to be furnished in proof of all claims and providing for the time for the making of any examination, appraisal or ascertainment of any damages. Such rules and regulations may also provide the method of set-

ting all claims. The said Commission may by rule and regulation provide that it may refuse to consider and pay any claims of claimants who have refused to enter into a cooperative agreement to prevent damage, who have posted the property whereon the claimed damages have occurred, against hunting during the season immediately proceeding [preceding] the time when said damages occurred, in such a manner as may have contributed to the damage claimed or of any claimant who has killed or wounded any game animal other than pursuant to license during the open season.

SEC. 7. Chapter 275, Laws of 1947, is amended Amendment by adding thereto a new section to be designated as section 35e, to read as follows:

Section 35e. There is appropriated from the Appropriation for payment of claims for damages. State Game Fund to the Department of Game the sum of one hundred thousand dollars (\$100,000), the same, or so much thereof as may be necessary, to be available to and to be used by the Department of Game and by the State Game Commission for payment of game animal damage to claimants and for expenses incurred in settling claims in such amounts as may be approved by the said Commission under this and the sections immediately preceding.

SEC. 8. Chapter 275, Laws of 1947, is amended Amendment. by adding thereto a new section to be designated as section 35f, to read as follows:

Section 35f. The Game Department is authorized to lease any state owned lands situated in Yakima and Kittitas Counties for use as game lands at the prevailing rates of leases, and payment for such leases may be made out of any funds appropriated to the Game Department for land acquisition and development. Leasing of state land for use as game lands.

Amendment.

SEC. 9. Chapter 275, Laws of 1947, is amended by adding thereto a new section to be designated as section 35g, to read as follows:

Lessees of state owned land for grazing purposes.

Section 35g. The present lessees of such state owned lands shall be allowed to graze without cost such number of livestock as shall be determined by the Game Commission, Commissioner of Public Lands and a representative of the Washington Cattlemen's Association on the basis of the capacity of such lands for this purpose, that the population of elk will be not more than 3,000 west and south of the Yakima River in Yakima and Kittitas Counties.

Limitation on population of elk.

Passed the House March 8, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 239.

[H. B. 157.]

PHYSICAL THERAPY.

AN ACT relating to the practice of physical therapy by registered physical therapists.

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

Definitions.

SECTION 1. In this act, unless the context otherwise requires:

"Physical therapy."

(1) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical and other properties of heat, light, water, electricity, massage and therapeutic exercise, which includes posture and rehabilitation procedures. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this act.

"Physical therapist."

(2) "Physical therapist" means a person who practices physical therapy as defined in this act

under the prescription, supervision and direction of a person licensed in this state to practice medicine and surgery.

(3) Words importing the masculine gender may be applied to females.

SEC. 2. The State Examining Committee of Physical Therapists is hereby created. The Examining Committee shall consist of not less than three members who shall be appointed by the Governor from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each member of said Examining Committee shall be a registered physical therapist, a resident of this state, and shall have not less than five years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the Governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years. In the event that a member of the Examining Committee for any reason cannot complete his term of office, another appointment shall be made by the Governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The Examining Committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties. The Director of Licenses shall furnish such secretarial, clerical and other assistance as the Board may require. Each member of the Examining Committee shall, in addition to necessary travel expenses, receive compensation in an amount for

State Examining Committee of Physical Therapists.

Members.

Terms of members.

Qualifications of members.

Appointment and terms of members.

Vacancies.

Maximum number of terms.

Rules.

Personnel assistance.

Compensation of members.

Maximum per diem.	each day actually engaged in the discharge of his duties: <i>Provided, however,</i> That such compensation shall not exceed twenty-five dollars per diem.
Duties of Committee.	It shall be the duty of the Examining Committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the Director of Licenses to that effect.
Qualifications for registration.	SEC. 3. A person who desires to be registered as a physical therapist and who
Age.	(a) is at least twenty-one years old;
Character.	(b) is of good moral character;
High school education.	(c) has obtained a high school education or its equivalent as determined by the Examining Committee; and
Education.	(d) has been graduated by a school of physical therapy approved for training physical therapists by the appropriate sub-body of the American Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation, may make application, on a form furnished by the Director of Licenses, for examination for registration as a physical therapist by the Examining Committee as defined in this act. Such examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this act, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this act. At the time of making such application, the applicant shall pay to the State Treasurer twenty-five dollars, no portion of which shall be returned.
Application.	
Examination.	
Contents of examination.	
Fee.	

SEC. 4. The Director of Licenses shall register as a physical therapist, and shall furnish a certificate of registration to, each applicant who successfully passes the examination for registration as a physical therapist.

Registration as physical therapist and certificate.

SEC. 5. The Director of Licenses shall register as a physical therapist, and shall furnish a certificate of registration to, any person who applies for such registration on or before January 1, 1950, and who at the time of the passage of this act, meets the qualifications for a physical therapist as set forth by the American Physical Therapy Association or the American Registry of Physical Therapy Technicians, and who, at the time of application, is practicing physical therapy in the State of Washington. At the time of making such application, such applicant shall pay to the State Treasurer a fee of twenty-five dollars.

Applicants applying on or before January 1, 1950.

Fee.

SEC. 6. Upon the recommendation of the Examining Committee, the Director of Licenses shall register as a physical therapist, and shall furnish a certificate of registration to any person who is a physical therapist registered under the laws of another state or territory, if the applicable requirements for registration of physical therapists were at the date of his registration substantially equal to the requirements under this act, and if the state or territory whence such applicant comes accords a similar privilege of registration without examination to holders of certificates as registered physical therapists under this act. At the time of making application, such applicant shall pay to the State Treasurer a fee of twenty-five dollars.

Physical therapist registered under law of another state or territory.

Fee.

SEC. 7. Every registered physical therapist shall, during the month of January, 1953, and during the month of January every third year thereafter, apply to the Director of Licenses for an extension of his

Extension of registration.

Fee. registration and pay a fee of five dollars to the State Treasurer. Registration that is not so extended in the first instance before February 1, 1953, and thereafter before February 1 of every third year, shall automatically lapse. Upon the recommendation of the Examining Committee the Director of Licenses shall revive and extend a lapsed registration on the payment of all past unpaid extension fees.

Extension of lapsed registration.

Refusal to grant or revocation of registration.

SEC. 8. The Director of Licenses shall refuse to grant registration to any physical therapist or shall revoke the registration of any physical therapist if he

Grounds.

(a) is habitually drunk or is addicted to the use of narcotic drugs;

(b) has been convicted of violating any state or Federal narcotics law;

(c) has been convicted of any crime involving moral turpitude;

(d) has obtained or attempted to obtain registration by fraud or material misrepresentation;

(e) has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or

(f) is guilty of any act derogatory to the standing and morals of the profession of physical therapy, including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this act, and the undertaking to practice independent of the prescription, direction and supervision of a person licensed in this state to practice medicine and surgery.

Restriction as to use of term "Registered Physical Therapist" or "R.P.T."

SEC. 9. A person who is not registered with the Director of Licenses as a physical therapist shall not represent himself as being so registered and shall not use in connection with his name the words or letters "R.P.T.," "Registered Physical Therapist," or any other letters, words or insignia indicating or implying that he is a registered physical therapist. Any

person violating the provisions of this section shall be guilty of a gross misdemeanor: *Provided*, That nothing in this act shall prohibit any person who does not in any way assume or represent himself or herself to be a "Registered Physical Therapist," abbreviated "R.P.T.," from doing other types of therapy.

Penalty for violations.

Proviso.

SEC. 10. A person who obtains or attempts to obtain registration as a physical therapist by any wilful misrepresentation or any fraudulent representation shall be guilty of a gross misdemeanor.

Penalty for misrepresentations.

SEC. 11. A person registered under this act as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the prescription, supervision and direction of a person licensed in this state to practice medicine and surgery. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Restriction on treatment of human ailments by physical therapy.

Penalty for violations.

SEC. 12. The Director of Licenses is authorized to adopt reasonable rules and regulations to carry this act into effect and may amend and revoke such rules at his discretion. The Director of Licenses shall keep a record of proceedings under this act and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and certificate as a registered physical therapist. The Director of Licenses shall, during the month of April of every year in which the renewal of registration is required, compile a list of registered physical therapists authorized to practice physical therapy in the state and shall mail a copy of that list to the Prosecuting Attorney of each county, the Superintendent of each known hospital in the state and every physician licensed in this state to practice medicine and surgery. Any interested

Director may adopt rules and regulations.

Record of proceedings and registration.

List of registered physical therapists.

person in the state is entitled to obtain a copy of that list on application to the Director of Licenses and payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished.

Partial
invalidity.

SEC. 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Title of act.

SEC. 14. This act may be cited as the "Physical Therapists Practice Act."

Passed the House February 22, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 240.

[S. B. 148.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the State Employees' Retirement System, and amending certain sections thereof; and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 274, Laws of 1947 (sec. 11072-1, Rem. Supp. 1947), is hereby 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 meanings:

Retirement
system.

(a) "Retirement System" shall mean the State Employees' Retirement System provided for in this act.

(b) "Retirement Board" shall mean the Board provided for in this act to administer said Retirement System. Retirement Board.

(c) "State Treasurer" shall mean the Treasurer of the State of Washington. State Treasurer.

(d) "Employer" shall mean every branch, department, agency, commission, board and office of the State of Washington and any political subdivision of the said state admitted into the Retirement System. Employer.

(e) "Member" shall mean any employee included in the membership of the Retirement System, as provided for in section 13 of this act. Member.

(f) "Original member" of this Retirement System shall mean: Original member.

1. Any person who became a member of the said system prior to April 1, 1949;

2. Any person who becomes a member through the admission of an employer into the Retirement System on and after April 1, 1949, and prior to April 1, 1951;

3. Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one (1) or more years of service to any employer prior to October 1, 1947.

(g) "New member" of this Retirement System shall mean a person who becomes a member of this Retirement System on or after April 1, 1949, except as otherwise provided in this section. New member.

(h) "Compensation earnable" shall mean salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation earnable.

(i) "Service" shall mean periods of employment rendered to any employer for which compensation is paid, and shall include time spent in office as an Service.

elected or appointed official of an employer. Full time work for ten (10) days or more or an equivalent period of work in any given calendar month shall constitute one (1) month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this act. Years of service shall be determined by dividing the total number of months of service by twelve (12). Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Prior service.

(j) "Prior service" shall mean all service of an original member rendered to any employer prior to October 1, 1947. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee.

Membership service.

(k) "Membership service" shall mean:

1. In the case of any person who becomes a member through the admission of an employer into the Retirement System on or after April 1, 1949, and prior to April 1, 1951, all service rendered after October 1, 1947;

2. In the case of all other members, all service as a member.

Beneficiary.

(l) "Beneficiary" shall mean any person in receipt of a retirement allowance, pension or other benefit provided by this act.

Regular interest.

(m) "Regular interest" shall mean such rate as the Retirement Board may determine, such rate not to be lower than one per cent (1%) per annum nor more than four per cent (4%) per annum compounded annually.

Accumulated contributions.

(n) "Accumulated contributions" shall mean the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with regular interest thereon.

(o) "Average final compensation" shall mean the average compensation earnable by a member during his last five (5) years of service as an employee, or for any consecutive five (5) year period of service, whichever is the greater; or if he has less than five (5) years of service, then the average compensation earnable by him during his total years of service.

Average
final com-
pensation.

(p) "Final compensation" shall mean the annual rate of compensation earnable by a member at the time of termination of his employment.

Final com-
pensation.

(q) "Annuity" shall mean payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

Annuity.

(r) "Pension" shall mean payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

Pension.

(s) "Retirement allowance" shall mean the sum of the annuity and the pension.

Retirement
allowance.

(t) "Annuity reserve" shall mean the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the Retirement Board, of all payments to be made on account of any annuity or benefits in lieu of any annuity, granted to a member under the provisions of this act.

Annuity
reserve.

(u) "Pension reserve" shall mean the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the Retirement Board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this act.

Pension
reserve.

(v) "Employee" shall mean any person who may become eligible for membership under this act as set forth in section 13 hereof.

Employee.

(w) "Contributions for the purchase of annuities" shall mean amounts deducted from the com-

Contributions
for the pur-
chase of
annuities.

pensation of a member, under the provisions of section 34, other than contributions to the Retirement System Expense Fund.

Actuarial equivalent.

(x) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the Retirement Board.

Amendment.

SEC. 2. Section 2, chapter 274, Laws of 1947 (sec. 11072-2, Rem. Supp. 1947), is hereby amended to read as follows:

Administration.
Retirement system created.

Section 2. *Administration.* A State Employees' Retirement System is hereby created for the employees of the State of Washington and its political subdivisions. The administration and management of the Retirement System, the responsibility for making effective the provisions of this act, and the authority to make all rules and regulations necessary therefor are hereby vested in a Retirement Board.

Amendment.

SEC. 3. Section 6, chapter 274, Laws of 1947 (sec. 11072-6, Rem. Supp. 1947), is hereby amended to read as follows:

Board chairman, secretary, actuary, medical advisor.

Section 6. *Board Chairman, Secretary, Actuary, Medical Adviser.* The Retirement Board shall elect from its membership a chairman and a vice-chairman, and shall appoint an executive secretary, and may employ or engage such other actuarial, medical, clerical, technical, and administrative employees or consultants as may be necessary for the proper operation of the Retirement System. The compensation of all persons so appointed, employed and engaged shall be fixed in accordance with compensation schedules adopted by the Board.

Compensation.

Amendment.

SEC. 4. Section 8, chapter 274, Laws of 1947 (sec. 11072-8, Rem. Supp. 1947), is hereby amended to read as follows:

Investment of funds.

Section 8. (a) *Investment of Funds.* The members of the Retirement Board shall be the trustees of

the several funds created by this act and the Retirement Board shall have full power to invest same in bonds or other obligations of the United States, the State of Washington or of any county, city, village, or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the State of Washington or any of its political subdivisions or instrumentalities. All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the Retirement Board. The Retirement Board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the State of Washington, if and when such purchase or purchases shall in the judgment of said Retirement Board be appropriate or necessary to carry out the purposes of this act.

Bonds, obligations,
mortgages,
notes, etc.

Life
insurance,
annuities.

(b) *Bank Deposits.* For the purpose of meeting disbursements for annuities and other payments in excess of the receipts, there shall be kept available by the Retirement Board an amount, not exceeding ten per cent (10%) of the total amount in the funds provided for by this act, on deposit in the state treasury.

Bank
deposits.

SEC. 5. Section 9, chapter 274, Laws of 1947 (sec. 11072-9, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 9. (a) *State Treasurer Custodian of Funds.* All bonds or other obligations purchased according to section 8 shall be forthwith placed in the hands of the State Treasurer, who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the Retirement System's Funds herein provided for bonds or other

State
Treasurer
custodian
of funds.

Board may sell bonds or obligations.

obligations. The Retirement Board may sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the State Treasurer upon delivery to him of such bonds or other obligations by the State Treasurer.

Disbursements by voucher.

(b) The State Treasurer shall be the custodian of all other funds of the Retirement System and all disbursements therefrom shall be paid by the State Auditor upon vouchers duly authorized by the Retirement Board and bearing the signature of the duly authorized officer of the Retirement Board.

Treasurer to deposit according to law.

(c) The State Treasurer is hereby authorized and directed to deposit any portion of the funds of the Retirement System not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such Treasurer, and all interest earned by such portion of the said Retirement System's funds as may be deposited by the State Treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the Retirement Fund or the Retirement System Expense Fund.

Interest credited to Retirement Fund or Retirement System Expense Fund.

Retirement System Expense Fund.

(d) There is hereby established in the state treasury as a separate fund, the Retirement System Expense Fund, from which shall be paid the expense of the administration of this act exclusive of the amounts payable as refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the Retirement System Expense Fund as provided in section 34 hereof and contributions by employers for the expense of operating the Retirement System as provided for herein shall be transmitted to the State Treasurer to be credited to the Retirement System Expense Fund. Further, all sums contributed by employees under the provisions of section 34, chapter 274, Laws of 1947, and now on deposit in the

Retirement Fund sums to be transferred to Expense Fund.

State Employees' Retirement Fund and credited to the Expense Fund as established by section 11 (f), chapter 274, Laws of 1947, shall be transferred to the said Retirement System Expense Fund.

1. For the purpose of providing amounts to be used to defray the cost of such administration, the Retirement Board shall ascertain at the beginning of each biennium and request from the Legislature an appropriation from the Retirement System Expense Fund sufficient to cover estimated expenses for the said biennium.

Board to request appropriation.

2. In order to reimburse the Retirement System Expense Fund on an equitable basis the Retirement Board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this act during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of the number of the employer's members bears to the total number of members in the entire System. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

Employers to reimburse Expense Fund on proportional basis.

3. Beginning April 1, 1949, the Retirement Board shall compute and bill each employer at the end of each month for the amount due for that month to the Retirement System Expense Fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a basis directly proportional to the ratio the number of the said employer's members bears to the total number of members in the System: *Provided*, That the Retirement Board may at its discretion establish a system of billing based upon calendar year

Board to bill employers monthly.

Quarterly billing.

quarters in which event the said billing shall be at the end of each such quarter.

Amendment. SEC. 6. Section 11, chapter 274, Laws of 1947 (sec. 11072-11, Rem. Supp. 1947), is hereby amended to read as follows:

Funds of Retirement System. Section 11. *Funds of Retirement System.* For the purpose of accounting record and not the segregation of moneys there are hereby created the Employees' Savings Fund, and Employers' Accumulation Fund, the Annuity Reserve Fund, the Pension Reserve Fund, and the Income Fund.

Employees' savings fund. (a) *Employees' Savings Fund.* The Employees' Savings Fund shall be the fund in which shall be accumulated the contributions from the compensation of members for the purchase of annuities. The Retirement Board shall provide for the maintenance of an individual account with each member of the Retirement System showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this act, shall be paid from the Employees' Savings Fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this act shall be transferred from the Employees' Savings Fund to the Income Fund. The accumulated contributions of a member, upon his retirement, shall be transferred from the Employees' Savings Fund to the Annuity Reserve Fund.

Individual accounts to be kept.

Returned contributions paid from fund.

Transfer to Annuity Reserve Fund.

Employers' Accumulation Fund. (b) *Employers' Accumulation Fund.* The Employers' Accumulation Fund shall be the fund in which shall be accumulated the reserves for the payment of all pensions payable as provided in this act. The amounts contributed by the employer to provide pension benefits shall be credited to the Employers' Accumulation Fund. The pension reserves covering pensions payable to a new member, upon his retire-

Transfer on retirement.

ment, shall be transferred from the Employers' Accumulation Fund to the Pension Reserve Fund. Until the prior service contributions shall have been discontinued, upon retirement of an original member, pension benefits shall be paid from the Employers' Accumulation Fund. After the prior service contributions have been discontinued, an amount equal to the then pension reserve for all beneficiaries being paid pension benefits from the Employers' Accumulation Fund shall be transferred to the Pension Reserve Fund and upon retirement of an original member, an amount equal to his pension reserve shall be transferred from the Employers' Accumulation Fund to the Pension Reserve Fund.

(c) *Annuity Reserve Fund.* The Annuity Reserve Fund shall be the fund from which shall be paid all annuities, or benefits in lieu thereof, because of which reserves have been transferred from the Employees' Savings Fund to the Annuity Reserve Fund.

Annuity Reserve Fund.

(d) *Pension Reserve Fund.* The Pension Reserve Fund shall be the fund from which shall be paid all pensions for new members, and benefits in lieu thereof; and after prior service contributions have been discontinued, all pensions for original members, and benefits in lieu thereof, shall be paid from the Pension Reserve Fund.

Pension Reserve Fund.

(e) *Income Fund.* An Income Fund is hereby created for the purpose of crediting regular interest on the amounts in the various other funds with the exception of the Retirement System Expense Fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the Income Fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the Retirement Board recorded in its minutes. The Retirement

Income Fund.
Interest on other funds.

Contingencies.

Transfers.

Interest to be credited annually to other funds.

Board shall annually allow regular interest for the preceding year to each of the funds enumerated in subsection (a), (b), (c) and (d) of this section, and the amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the Retirement Board and paid from the Income Fund: *Provided, however,* That interest on contributions from members within any one (1) calendar year shall begin on the first day of the calendar year next following and shall be computed at the end of the calendar year. Interest on accumulated contributions shall cease upon the expiration of five (5) years from the date of termination of employment, subject to the provisions of section 16 (c) and section 18. All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen (15) years from the date of such termination except as provided in the aforementioned sections shall thereafter become an integral part of the Income Fund. All income, interest, and dividends derived from the deposits and investments authorized by this act shall be paid into the Income Fund with the exception of interest derived from sums deposited in the Retirement System Expense Fund. The Retirement Board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the Retirement System in such manner, or any funds which may be transferred from the Employees' Savings Fund by reason of lack of claimant, or because of a surplus in any fund created by this act, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the Income Fund.

Unclaimed contributions.

Income, interest and dividends.

Gifts and surplus.

Amendment.

SEC. 7. Section 13, chapter 274, Laws of 1947 (sec. 11072-13, Rem. Supp. 1947), is hereby amended to read as follows:

Section 13. *Membership of Retirement System.* Membership in the Retirement System shall consist of all regularly compensated employees and appointive and elective officials of Employers as defined in this act who have served at least six months without interruption, with the following exceptions:

Membership
of retire-
ment system.

Qualification.

Exceptions.

1. Persons in positions requiring normally less than five (5) months of uninterrupted service a year;

2. Employees of the Legislature and legislative committees, unless membership of such employees be authorized by the said committee;

3. Persons holding elective offices or persons appointed directly by the Governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by action of the Retirement Board;

4. Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan;

5. Patient and inmate help in state charitable, penal and correctional institutions;

6. "Members" of a state veterans' home or state soldiers' home;

7. Persons employed by an employer or serving in an institution operated by an employer, primarily as an incident to and in furtherance of their education or training;

8. Employees of the University of Washington and the State College of Washington during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

9. Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession.

Amendment. SEC. 8. Section 14, chapter 274, Laws of 1947 (sec. 11072-14, Rem. Supp. 1947), is hereby amended to read as follows:

Information furnished by employees.

Section 14. *Information Furnished by Employees, Appointive and Elective Officials.* Within thirty (30) days after his employment or his acceptance into membership by action of the Retirement Board each employee, appointive or elective official shall submit to the Retirement Board a statement of his name, sex, title, compensation, duties, date of birth, and length of service as an employee or appointive or elective official, and such other information as the Retirement Board shall require. Each employee becoming an original member shall file a detailed statement of all his prior service as an employee and shall furnish such other facts as the Retirement Board may require for the proper operation of the Retirement System. Compliance with the provisions set forth in this section shall be considered to be a condition of employment and failure by an employee to comply may result in separation from service.

Amendment. SEC. 9. Section 15, chapter 274, Laws of 1947 (sec. 11072-15, Rem. Supp. 1947), is hereby amended to read as follows:

Prior service certificate.

Section 15. *Prior Service Certificate.* Subject to such rules and regulations as the Retirement Board shall adopt, the Retirement Board shall issue to each original member a certificate certifying to the aggregate length of all his prior service as defined in this act. Such certificate shall be final and conclusive for retirement purposes as to such service, unless modified by the Retirement Board on its own motion or upon application made by the member.

Certificate conclusive.

SEC. 10. Section 16, chapter 274, Laws of 1947 (sec. 11072-16, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 16. *Membership Ceases.* Should any member become a beneficiary, or die, or should he separate or be separated from service without leave of absence before attaining age sixty (60) years, he shall thereupon cease to be a member: *Provided,* That any member who would have attained sixty (60) years or more by April 1, 1949, who shall be involuntarily separated from service prior to that date, with ten (10) years or more service, shall not thereby lose his right to benefits under this act. Should he again become employed by an employer he shall enter the Retirement System as a new member and his membership service shall be computed from the date he last became a member, *Except:* Membership ceases.

(a) As provided in section 18;

(b) That an employee who re-enters or has re-entered service within ten (10) years from the date of his separation, shall upon completion of six (6) months of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within three (3) years after resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation. Reemployment.

(c) That a member separated for reasons beyond his control, who has completed at least fifteen (15) years of service, or who has completed at least ten (10) years of service and is age fifty (50) or older shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five (65): *Provided,* That if such member should withdraw all or part of his accumulated contributions he shall thereupon cease Exceptions.

Withdrawal of contributions.

to be a member unless the amounts so withdrawn be restored before his retirement age is reached.

Amendment. SEC. 11. Section 17, chapter 274, Laws of 1947 (sec. 11072-17, Rem. Supp. 1947), is hereby amended to read as follows:

Service creditable. Section 17. *Service Creditable.* Subject to the provisions of section 16 at retirement the total service credited to a member shall consist of all his membership service and, if he has a prior service certificate, all service certified on such certificate.

Amendment. SEC. 12. Section 18, chapter 274, Laws of 1947 (sec. 11072-18, Rem. Supp. 1947), is hereby amended to read as follows:

Credit for war service. Section 18. *Credit for War Service.* A member of the Retirement System who has served or shall serve on active Federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service and within one (1) year from termination thereof, resumed or shall resume employment as an employee shall have his service in such armed forces credited to him as a member of the Retirement System: *Provided, however,* That no such service in excess of five (5) years shall be credited unless such service was actually rendered during time of war or emergency. During the period of such service of a member, his contributions to the Employees' Savings Fund shall be suspended and the balance in the Employees' Savings Fund standing to his credit as of the last payroll date preceding his leave of absence from the service of his employer shall be accumulated at regular interest.

Resumption of service. Contributions suspended. Amendment. SEC. 13. Section 19, chapter 274, Laws of 1947 (sec. 11072-19, Rem. Supp. 1947), is hereby amended to read as follows:

Optional retirement. Section 19. (a) *Optional Retirement.* On and after April 1, 1949, any member who has attained age

sixty (60) or over may retire upon his written application to the Retirement Board, setting forth at what time, not less than thirty (30) days, nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the Retirement Board may extend beyond age sixty (60), subject to the provision of subsection (b) of this section, the age at which any member may be eligible to retire.

Time of war.

(b) *Compulsory Retirement.* On and after April 1, 1949, any member who has attained age seventy (70) shall be retired forthwith or on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy (70): *Provided*, That upon application of both a member who has attained age seventy (70) and his employer, the Retirement Board may continue such member in service for such periods as the Retirement Board may determine to be necessary.

Compulsory retirement.

May be continued in service by Board.

(c) *Service Retirement.* On and after April 1, 1949, any member who has completed thirty-five (35) years of service may retire on his written application to the Retirement Board, if he so desires, subject to war measures.

Service retirement.

After thirty-five years' service.

SEC. 14. Section 20, chapter 274, Laws of 1947 (sec. 11072-20, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 20. *Service Retirement Allowance.* Upon retirement from service, as provided for in section 19, a member shall receive a service retirement allowance which shall consist of:

Service retirement allowance.

(a) *Annuity.* An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

Annuity.

(b) *Basic Service Pension.* A basic service pension, subject to the provisions of paragraphs (d) and

Basic service pension.

(e) of this section, of one hundred dollars (\$100) per annum; and

Membership service pension.

(c) *Membership Service Pension.* A membership service pension, subject to the provisions of paragraph (e) of this section, which shall be equal to one one-hundred fortieth of his average final compensation for each year or fraction of a year of membership service credited to his service account, not to exceed thirty-five (35) years: *Provided*, That the membership service pension shall not exceed eight hundred dollars (\$800) per annum; and

Maximum.

Prior service pension.

(d) *Prior Service Pension.* A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty (30) years credited to his service accounts: *Provided*,

Total service not to exceed thirty-five years.

That if the membership service when added to the prior service exceeds thirty-five (35) years, then the membership service shall be reduced so that the total of membership service and prior service is not greater than thirty-five (35) years: *Provided further*,

Total pension portions not to exceed \$1800 annually.

That the total pension portions, provided by the employer under paragraphs (b), (c) and (d) of this section, shall not exceed eighteen hundred dollars (\$1,800) per annum. In no event, however, shall any original member upon retirement at age seventy (70) with ten (10) years of service credit receive less than nine hundred dollars (\$900) per annum as a Retirement Allowance. In the event that the Retirement Allowance as to such member provided by paragraphs (a), (b), (c) and (d) hereof shall amount to less than the said nine hundred dollars (\$900) the Basic Service Pension of the member shall be increased from one hundred dollars (\$100) to a sum sufficient to make a Retirement Allowance of that amount.

Minimum retirement allowance.

Minimum years service of new member for pension.

(e) *Minimum Years Service of New Member for Pension.* To be eligible to receive the pension

portions provided by the employer under paragraphs (b) and (c) of this section, a new member must have at least ten (10) years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under sections 21, 22 and 23.

SEC. 15. Section 21, chapter 274, Laws of 1947 (sec. 11072-21, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 21. *Duty Disability.* Subject to the provisions of sections 32 and 33, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of the actual performance of duty, while in the service of an employer, without wilful negligence on his part, shall be retired: *Provided*, The Medical Adviser after a medical examination of such member shall certify in writing that such member is mentally and physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: *And provided further*, That the Retirement Board concurs in the recommendation of the Medical Adviser. Duty disability.
Certification by medical examiner.
Board to concur.

SEC. 16. Section 23, chapter 274, Laws of 1947 (sec. 11072-23, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 23. *Duty Disability Pension for Disability Before Age Sixty (60).* Upon retirement for disability, as provided in section 21, a member who has not attained age sixty (60) shall receive the following benefits, subject to the provisions of sections 32 and 33. Duty disability pension before age sixty.

(a) *Benefits of Age Sixty (60).* A disability retirement pension of two-thirds of his average final compensation from the date of his application for disability benefits to his attainment of age sixty (60), subject to the provisions of section 32. The dis- Benefits to age sixty.

Maximum. ability retirement pension provided by the employer shall not exceed eighteen hundred dollars (\$1,800) per annum; and

Benefits after age sixty. (b) *Benefits After Age Sixty (60)*. Upon attainment of age sixty (60), the disabled member shall receive a pension, as provided for in section 20, paragraphs (b), (c), and (d), together with an annuity which shall be the equivalent of the annuity he would have received had he continued contributions to the Employees' Savings Fund; said contributions to be based upon his final compensation at the time of his disability.

Contributions to and balance in Employees Savings Fund. (c) *Contributions to and Balance in Employees' Savings Fund*. During the period a disabled member is receiving a disability pension, as provided for in paragraph (a) of this section, his contributions to the Employees' Savings Fund shall be suspended

Contributions suspended during disability. and his balance in the Employees' Fund, standing to his credit as of the date his disability pension is to begin, shall remain in the Employees' Savings Fund: *Provided*, That if the disabled member should die

Death before sixty during disability. before attaining age sixty (60), while a disability beneficiary, upon receipt by the Retirement Board of proper proof of death, his accumulated contributions standing to his credit in the Employees' Savings Fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Retirement Board, or if there be no such designated person or persons, then to his legal representative.

Amendment. SEC. 17. Section 24, chapter 274, Laws of 1947 (sec. 11072-24, Rem. Supp. 1947), is hereby amended to read as follows:

Non-duty disability. Section 24. *Non-Duty Disability*. Subject to the provisions of sections 32 and 33, upon application of a member, or his employer, a member who has been an employee at least fifteen (15) years, and

Fifteen years service.

who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the performance of his duty, may be retired by the Retirement Board: *Provided*, The Medical Adviser, after a medical examination of such member, shall certify in writing that such member is mentally or physically incapacitated for the further performance of duty, and such incapacity is likely to be permanent and that such member should be retired: *And provided further*, That the Retirement Board concurs in the recommendation of the Medical Adviser.

Certification by medical examiner.

Board to concur.

SEC. 18. Section 27, chapter 274, Laws of 1947 (sec. 11072-27, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 27. *Refund of Contributions Upon Withdrawal from Service Before Retirement.* Subject to the provisions of section 29, should a member cease to be an employee before attaining age sixty (60), or after such age but before becoming eligible for benefits, for reasons other than his disability or death as provided in sections 22, 23, 24, 25, 26 and 28, he may request upon a form provided by the Retirement Board a refund of all or part of the contributions standing to his credit in the Employees' Savings Fund, with regular interest additions, and this amount shall be paid to him. Any person who has withdrawn his contributions from the Employees' Savings Fund, as provided for in this section, and who again becomes a member, may, as provided in section 16, restore to the Employees' Savings Fund all or part of such contributions previously withdrawn by him.

Refund on withdrawal from service before retirement.

All or part to be paid on demand.

Interest to be added.

Restoration on reemployment.

SEC. 19. Section 28, chapter 274, Laws of 1947 (sec. 11072-28, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 28. *Refund of Contributions on Death Before Retirement.* Should a member die before

Refund on death before retirement.

commencement of his service retirement allowance as provided in sections 19, 20, 22, and 25 and while such member is not receiving a non-duty disability retirement allowance as provided in section 26, the amount of the accumulated contributions standing to his credit in the Employees' Savings Fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Retirement Board, or if there be no such designated person or persons, then to his legal representatives.

Amendment.

SEC. 20. Section 30, chapter 274, Laws of 1947 (sec. 11072-30, Rem. Supp. 1947), is hereby amended to read as follows:

Optional allowances.

Section 30. *Optional Allowances.* Any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II and III, as hereinafter set forth. No member may elect an optional retirement allowance unless he either: (a) Files such election in writing with the Retirement Board at least twelve (12) months before the date of his retirement, or (b) In the case of a member retiring before April 1, 1950, file such election in writing with the Retirement Board before the date of his retirement and before October 1, 1949, or (c) Passes a satisfactory health examination at the time of making such election. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date.

Actuarial equivalent.

Requirements to elect.

Option I. Cash refund annuity.

Option I. *Cash Refund Annuity.* If he dies before the total of the annuity portions of the retire-

ment allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Retirement Board, or if there be no such designated person or persons, then to his legal representatives; or

Option II. *Joint and Last Survivorship Allowance.* Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Retirement Board at the time of his retirement; or

Option II.
Joint and
last survi-
vorship
allowance.

Option III. *Modified Joint and Last Survivorship Allowance.* Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Retirement Board at the time of his retirement.

Option III.
Modified
joint and last
survivorship
allowance.

SEC. 21. Section 31, chapter 274, Laws of 1947 (sec. 11072-31, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 31. *Benefits Offset by Workmen's Compensation or Similar Benefits.* Any amounts which may be paid or payable under the provisions of any workmen's compensation, or pension, or similar law on account of any disability shall be offset against and payable in lieu of any benefits payable from funds provided by the employer under the provisions of this act on account of the same disability.

Benefits
offset by
workmen's
compensa-
tion or simi-
lar benefits.

SEC. 22. Section 32, chapter 274, Laws of 1947 (sec. 11072-32, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Re-examina-
tion of
disability
beneficiaries.

Periodical
medical
examination.

Discontinu-
ance of
pension on
refusal to
submit.

Restoration
to service,
and allow-
ances to
cease.

Benefits
offset by
earnings of
disability
beneficiary.

Dependent
on amount
earned.

Section 32. (a) *Re-examination of Disability Beneficiaries.* Once each year during the first five (5) years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three (3) year period thereafter the Retirement Board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty (60) years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty (60) years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one (1) year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the Retirement Board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the Retirement Board, that the disability beneficiary is physically able and capable of resuming employment, he shall be restored to active service with his employer and his disability pension or retirement allowance shall cease.

(b) *Benefits Offset by Earnings of Disability Beneficiary.* Should the secretary report and certify to the Retirement Board that such disability beneficiary is engaged in a gainful occupation paying more than the difference between his disability retirement allowance and his final compensation, and should the Retirement Board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity, if he has an annuity, and the amount earned by him shall equal the amount of his final compensation. Should the earn-

ings of such disability beneficiary be later changed, the amount of his pension shall be further modified in like manner.

SEC. 23. Section 33, chapter 274, Laws of 1947 (sec. 11072-33, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 33. *Disability Beneficiary Restored to Service Again Becomes Member.* A disability beneficiary who has been or shall be reinstated to active service, as provided in section 32, shall from the date of such restoration again become a member of the Retirement System; and he shall contribute to the Retirement System in the same manner as prior to his disability retirement. Upon restoration of such disability beneficiary to active service the actuarial equivalent of his annuity at that time, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability, shall be transferred from the Annuity Reserve Fund to the Employees' Savings Fund and credited to his individual account in the Employees' Savings Fund. Any prior service and membership service, on the basis of which his retirement allowances were computed at the time of his retirement, shall be restored to full force and effect, and, except in the case of retirement of non-duty disability as provided in section 24, he shall be given membership service for the period of time he was out of service due to such disability.

Restored beneficiary again becomes member.

Contribution to resume.

Actuarial equivalent to be transferred.

Service restored to full force and effect.

Membership service for period of disability.

SEC. 24. Section 34, chapter 274, Laws of 1947 (sec. 11072-34, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 34. *Members' Deductions.* (a) Beginning October 1, 1947, each employee who is a member of the Retirement System shall contribute five per cent (5%) of that part of his compensation earnable, not in excess of thirty-six hundred dollars (\$3600) in a calendar year, except as provided in paragraph

Members' deductions.

Amounts.

(b) hereof, to the Employees' Savings Fund, and shall contribute one dollar and fifty cents (\$1.50) per annum to the Retirement System Expense Fund: *Provided, however,* That beginning January 1, 1950, such Retirement System Expense Fund contribution shall be increased to the amount of two dollars and fifty cents (\$2.50) per annum and shall be made by semi-annual payments of one dollar and twenty-five cents (\$1.25) beginning January 1, 1950, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents (\$1.25) to the Retirement System Expense Fund for the fractional portion of the semi-annual period during which he enters or re-enters membership. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date which he became a member of the Retirement System, an amount equal to five per cent (5%) of such member's compensation earnable, provided that the amount of a member's compensation earnable in excess of the first thirty-six hundred dollars (\$3600) within a calendar year shall not be considered. The Retirement Board may accept contributions provided for in this act on any compensation earnable during any payroll period or periods without regard to the maximum salary provisions, provided deductions cease entirely for the remainder of the calendar year if and when the total contributions deducted from a member's salary for the Employees' Savings Fund for such calendar year equal one hundred eighty dollars (\$180). In determining the amount earnable by a member in a payroll period, the Retirement Board and the employer may consider the rate of compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and deductions may be omitted from such compensation for any period less than a full

Contribution
to be
increased.

Payroll
deductions.

Maximum
contribution.

Determina-
tion of
amount
earnable.

payroll period, if an employee was not a member on the first day of the payroll period.

(b) Any member may, pursuant to regulations formulated from time to time by the Board, provide for himself, by means of an increased rate of contribution to his account in the Employees' Savings Fund, a prospective retirement allowance not to exceed one-half ($\frac{1}{2}$) of his prospective average final compensation.

Prospective retirement allowance.

SEC. 25. Section 37, chapter 274, Laws of 1947 (sec. 11072-37, Rem. Supp. 1947), is hereby amended to read as follows:

Amendment.

Section 37. *Amount of Employer's Contribution for Pension Benefits.* (a) The contributions by the employer for benefits under the Retirement System shall consist of the sum of a percentage of the compensation of members to be known as the "membership service contribution," a percentage of such compensation to be known as the "prior service contribution" and in the case of employers admitted to the Retirement System after April 1, 1949, a percentage of such compensation to be known as the "additional contribution." The rates of such contributions shall be determined by the Retirement Board on the basis of assets and liabilities as shown by actuarial valuation. Until the end of the biennium in which the first actuarial valuation is completed the membership service contribution rate shall be four per cent (4%), and the prior service contribution rate shall be one per cent (1%).

Amount of employer's contribution.

Membership service contribution.

Prior service contribution.

Additional contribution.

Rates.

(b) After the completion of each actuarial valuation subsequent to April 1, 1949, the Retirement Board shall redetermine the membership service contribution rate and such redetermined contribution rate shall become effective in the ensuing biennium. Until the prior service contributions shall have been discontinued such membership contribution rate shall be determined as the uniform and constant

Redetermined membership service contribution rate.

Determination until discontinuance of prior service contributions.

percentage of the prospective compensation of all members in the Retirement System at the date of such valuation which is required, together with all funds (other than funds allocated to prior service pensions) currently standing to the credit of the Employers' Accumulation Fund and the Pension Reserve Fund, to provide for the payment of all future pension benefits (other than prior service benefits). After the prior service contributions have been discontinued such membership contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the Retirement System at the date of such valuation which is required, together with all funds currently standing to the credit of the Employers' Accumulation Fund and the Pension Reserve Fund, to provide for the payment of all future pension benefits.

Determina-
tion after
discontinu-
ance of prior
service con-
tributions.

Redeter-
mined prior
service rate.

How de-
termined.

(c) Following the completion of the first actuarial valuation after April 1, 1949, the Retirement Board shall redetermine the prior service contribution rate, and such redetermined contribution rate shall become effective in the ensuing biennium. The prior service contribution rate shall be determined as that percentage of annual compensation of all members in the Retirement System at the date of such valuation which is equivalent to four per cent (4%) of the excess of the liability for prior service pensions over the amount currently in the Employers' Accumulation Fund allocated to prior service pensions. Such redetermined prior service contribution rate shall continue until the amount in the Employers' Accumulation Fund allocated to prior service pensions equals the then outstanding liability for prior service pensions.

Additional
contribution.

Rate.

(d) Any employer admitted to the Retirement System after April 1, 1949, shall made an additional contribution at a rate equal to twenty-five per cent (25%) of the sum of the membership service con-

tribution rate and the prior service contribution rate until such time as the sum of such additional contributions equals the amount of membership service contributions and prior service contributions which such employer would have been required to contribute between April 1, 1949, and the date of such employer's admission to the Retirement System on or before April 1, 1949.

SEC. 26. Section 38, chapter 274, Laws of 1947 (sec. 11072-38, Rem. Supp. 1947), is hereby amended to read as follows: Amendment.

Section 38. *Employer's Contributions for Pension Benefits.* (a) The Retirement Board shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by section 37 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made. Employer's contributions for pension benefits.

(b) Beginning April 1, 1949, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the rates established by section 37 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The Retirement Board shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: *Provided*, That the Retirement Board may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter. How computed.

How computed after April 1, 1949.

Board to bill employer monthly.

Quarterly billing.

Amendment.

SEC. 27. Section 43, chapter 274, Laws of 1947 (sec. 11072-43, Rem. Supp. 1947), is hereby amended to read as follows:

Enabling clause.

Political subdivisions may participate.

Section 43. *Enabling Clause.* The employees and appointive and elective officials of any political subdivision of the state with five (5) or more employees may become members of the Retirement System by the approval of the local legislative authority. Each such political subdivision becoming an employer under the meaning of this act shall make contributions to the funds of the Retirement System as provided in sections 9, 37 and 38 of this act and its employees shall contribute to the Employees' Savings Fund at the rate established under the provisions of section 34 hereof. For the purpose of administering and interpreting this act the Board may substitute the names of political subdivisions of the state for the "State" and employees of the subdivisions for "State Employees" wherever such terms appear in this act. The Board may also alter any dates mentioned in this act for the purpose of making the provisions of this act applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the Retirement System may continue as a member without loss of previously earned pension and annuity benefits. The Board shall keep such accounts as are necessary to show the contributions of each political subdivision to the Employers' Accumulation Fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another. At such time as the membership from political subdivisions is sufficiently large to warrant representation on the Board, the Retirement Board may appoint one county member and/or one city member to the Board in place of two of the State Employees' members provided for in this act.

Board may apply act to any such participant.

Transfer of membership.

Board to keep accounts for such subdivision.

Representation on Board.

SEC. 28. This act is necessary for the immediate Emergency.
 preservation of the public peace, health and safety,
 support of the state government and its existing
 public institutions and shall take effect as of April
 1, 1949.

Passed the Senate February 18, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 241.

[S. H. B. 526.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations and reappropriations for the purchase, condemnation and improvement 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, and for 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, 1949, and ending March 31, 1951, except as otherwise provided; defining terms, limiting allowances and payments, and declaring that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

Definitions.
"Capital
outlay."

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

"Salaries
and wages."

"Operations." direct labor or personal service rendered to the state.

The word "operations," whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, 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.

Appropriation.

SEC. 2. 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, condemnation 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 beginning April 1, 1949, and ending March 31, 1951, except as otherwise provided.

FROM THE GENERAL FUND.

	FOR THE DEPARTMENT OF FISHERIES:	
	For the construction of twelve rearing ponds at the Dungeness Hatchery in Clallam County	\$40,000.00
Vetoed.	FOR MCKAY MEMORIAL HOSPITAL:	
	Salaries, wages, operations and maintenance	\$10,000.00

FOR THE DEPARTMENT OF HEALTH:

For the rapid treatment of syphilis:

Salaries, wages and services.....	\$16,410.00	
Salaries, wages and services (to be reimbursed from Federal funds)	27,058.50	
Total	<u>43,468.50</u>	\$43,468.50

FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

For the School Lunch Program:

Salaries and Wages.....	\$34,320.00	
Operations	3,885.00	
Total	<u>38,205.00</u>	\$38,205.00

FOR THE STATE BOARD OF EDUCATION:

General Office, including Junior College Supervision.

Salaries and Wages.....	\$8,000.00	
Operations	5,000.00	
Total	<u>13,000.00</u>	\$13,000.00

FOR THE STATE BOARD OF EDUCATION, DIVISION OF SCHOOL BUILDING FACILITIES:

Salaries and Wages.....	\$20,000.00	
Operations	5,000.00	
Total	<u>25,000.00</u>	\$25,000.00

Vetoed.

FROM THE GENERAL FUND.

FOR THE STATE FINANCE COMMITTEE:

Salaries and Wages.....		\$3,500.00
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FOR STATE COLLEGE OF WASHINGTON:

Completion of existing contracts on sewage disposal plant.....		\$80,000.00
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FROM THE CENTRAL COLLEGE FUND.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:

Salaries and Wages.....	\$30,000.00	
Operations	25,000.00	
Total	<u>55,000.00</u>	\$55,000.00

FROM THE EASTERN COLLEGE FUND.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:

Salaries and Wages.....	\$30,000.00	
Operations	25,000.00	
Total	<u>55,000.00</u>	\$55,000.00

FROM THE WESTERN COLLEGE FUND.

FOR THE WESTERN WASHINGTON COL- LEGE OF EDUCATION:		
Salaries and Wages.....	\$30,000.00	
Operations	25,000.00	
Total	<u> </u>	\$55,000.00

FROM THE GENERAL FUND.

FOR THE CENTRAL WASHINGTON COL- LEGE OF EDUCATION:	
Major repairs and betterments....	\$165,000.00

FOR THE EASTERN WASHINGTON COL- LEGE OF EDUCATION:	
Major repairs and betterment....	\$165,000.00

FOR THE SECRETARY OF STATE:	
To carry out the provisions of House Bill No. 612,	
Salaries, wages and opera- tions	\$8,000.00

For additional administrative ex- pense, House Bill No. 446,	
Salaries, wages and opera- tions	\$2,200.00

Vetoed.

FOR THE WESTERN WASHINGTON COL- LEGE OF EDUCATION:		
Completion of Auditorium and Music Building, and Equipment..	\$75,000.00	
Completion of Industrial Arts Building, and Equipment.....	20,000.00	
Total	<u> </u>	\$95,000.00

FOR THE STATE LIBRARY COMMIS- SION:		
Salaries and Wages.....	\$22,840.00	
Operations	9,092.00	
Contingent Receipts Funds, Federal funds to be spent (if received) in accordance with the terms of chapter 39, Laws of 1949 (H.B. 170)	180,000.00	
Total	<u> </u>	\$211,932.00

FOR THE RELIEF OF JOSEPH HOSKINS, for loss of right arm while operat- ing a laundry machine while an inmate of State Reformatory at Monroe, injury occurring on June 17, 1934.....		\$3,500.00
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<p>FROM THE RECLAMATION REVOLVING FUND.</p>		
<p>FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:</p>		
<p>Financing of reclamation districts as provided by law. (Expenditures from Reclamation Revolving Fund not to exceed cash on hand and available for expenditure)</p>		} Vetoed.
	\$150,000.00	
<p>FROM THE GENERAL FUND.</p>		
<p>FOR THE TUBERCULOSIS HOSPITAL BUILDING COMMISSION:</p>		Tuberculosis Hospital Building Commission.
<p>For building Pierce County Tuberculosis hospital</p>	\$800,000.00	
<p>FROM THE MOTOR VEHICLE FUND.</p>		
<p>FOR LON D. LEEPER:</p>		
<p>For repairs to private car damaged by collision with state car, license SX 728 while on official duty....</p>	\$48.41	
<p>FROM THE GENERAL FUND.</p>		
<p>FOR THE COMMISSIONER OF PUBLIC LANDS:</p>		
<p>Salaries and Wages.....</p>	\$22,352.00	
<p>Operations</p>	27,648.00	
<p>Total</p>	\$50,000.00	
<p>FOR THE DEPARTMENT OF AGRICULTURE:</p>		} Vetoed
<p>Salaries, wages, operations, repairs and maintenance of Washington State Fairgrounds at Yakima</p>	\$25,000.00	
<p>FOR THE INTERIM COMMITTEE CREATED BY HOUSE CONCURRENT RESOLUTION No. 15:</p>		
<p>To carry out provisions of House Concurrent Resolution No. 15...</p>	\$8,000.00	
<p>FOR SCHOOL DISTRICT No. 112, SNOHOMISH COUNTY:</p>		
<p>For the purpose of rebuilding the Sultan Union High School, which was destroyed by fire: <i>Provided</i>, That expenditures herefrom may be made only on state vouchers submitted to the State Auditor, accompanied by affidavit by the school board of the district and</p>		

by the supervising architect or engineer certifying that the materials or services being paid for have been furnished or rendered. \$80,000.00

FOR SNOHOMISH COUNTY:

Vetoed. For completion of payment of purchase price of certain lands in Snohomish County under contract of sale No. 12137 from State of Washington to Lynnwood Commercial Club, Inc. Upon completion of purchase contract, by payment of the amount herein to the Commissioner of Public Lands, title shall run to Snohomish County \$3,160.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:

Salaries and Wages.....	\$150,000.00	
Operations	100,000.00	
Total	<u> </u>	\$250,000.00

FROM THE STATE COLLEGE OF WASHINGTON FUND.

FOR THE STATE COLLEGE OF WASHINGTON:

Salaries and Wages.....	\$450,000.00	
Operations	300,000.00	
Total	<u> </u>	\$750,000.00

Emergency.

SEC. 3. 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.

Passed the House March 10, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 22, 1949, with the exception of certain items which are vetoed.

CHAPTER 242.

[S. S. B. 270.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations and reappropriations 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, condemnation 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 the relief of certain individuals, corporations, counties and municipalities, and for transfers, and for deficiencies, and for appropriation of revolving funds, 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, 1949, and ending March 31, 1951, except as otherwise provided, defining terms, limiting allowances and payments, prescribing penalties, and declaring that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

Definitions.
"Capital
outlay."

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.

"Salaries
and wages."

The word "operations," whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, 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

"Operations."

Expenses not to exceed per diem rates.

be expended for coupon or scrip books, or other evidences of advance payment for future delivery: *Provided further*, That allowances made for subsistence and lodging for the elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed such per diem rates provided by law.

Appropriation.

SEC. 2. 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, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, 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, 1949, and ending March 31, 1951, except as otherwise provided: *Provided*, That no part of any appropriation contained in this act shall be used to pay the salary or wages of any person who engages in a strike against the State of Washington, or any office, department or agency thereof, or against any political subdivision of the state, or who advocates, or is a member of an organization that advocates, the overthrow of the government of the United States by force or violence: *Provided further*, That for the purposes hereof an affidavit filed with the State Auditor by the payee prior to the issuance of any warrant, or in lieu

Payments to persons striking against state or advocating overthrow of United States government prohibited.

Affidavit prima facie evidence of compliance.

thereof a certificate by the responsible officer certifying that the payee or payees for whom vouchers or payrolls are submitted have filed with such officer such affidavit, shall be prima facie evidence that the person making it, or filing the same with the responsible officer, has not acted contrary to the provisions herein set forth: *Provided further*, That any person who advocates, or is a member of an organization that advocates, the overthrow of the government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this act, shall be guilty of a gross misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or imprisoned in the county jail for not more than one (1) year, or both.

Persons striking against state or advocating overthrow of government guilty of gross misdemeanor if they accept payments from these appropriations.

Any official who incurs any deficiency shall be considered to have violated the expressed intent of the Legislature in making these appropriations.

Officials incurring deficiency.

FROM THE GENERAL FUND.

FOR THE GOVERNOR:

Governor.

Salaries, Wages and Operations . . .	\$136,185.00	
Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor . .	18,000.00	
Extradition Expenses (including Deficiencies)	23,000.00	
Auditing Records of the State Auditor	5,000.00	
Total	—————	\$182,185.00

FOR THE GOVERNOR'S MANSION:

Governor's mansion.

Maintenance, to be distributed on vouchers approved by the Governor		\$24,000.00
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FOR THE LIEUTENANT GOVERNOR:

Lieutenant Governor.

Salary of the Lieutenant Governor and Compensation when serving as Governor	\$14,400.00	
Other Salaries, Wages and Operations	8,750.00	
Total	—————	\$23,150.00

	FOR THE SECRETARY OF STATE:		
Secretary of State.	Salaries and Wages.....	\$127,365.00	
	Operations	42,000.00	
	Corporation Field Examiner, Salary and Expenses.....	13,620.00	
Vetoed.	To carry out the provisions of House Bill No. 305:		
	Salaries, Wages and Operations	18,000.00	
	Checking, Printing, Advertising, and Mailing Initiative and Referendum Measures and Constitutional Amendments: <i>Provided</i> , That no portion of this appropriation shall be expended for salaries of regular employees or office expense of the Secretary of State	60,000.00	
	Bureau of Statistics and Immigration:		
	Salaries, Wages and Operations.	12,500.00	
	Total	<u> </u>	\$273,485.00
	FOR THE STATE TREASURER:		
State Treasurer.	Salaries and Wages.....	\$129,600.00	
	Operations	42,530.00	
	Total	<u> </u>	\$172,130.00
	FROM THE MOTOR VEHICLE FUND.		
	Salaries and Wages.....	\$9,200.00	
	Operations	1,910.00	
	Total	<u> </u>	\$11,110.00
	FROM THE GENERAL FUND.		
	FOR THE STATE AUDITOR:		
State Auditor.	Salaries and Wages.....	\$386,000.00	
	Operations	103,000.00	
	Special Printing	7,500.00	
	Total	<u> </u>	\$496,500.00
	FROM THE MOTOR VEHICLE FUND.		
	Salaries and Wages.....	\$38,700.00	
	Operations	10,185.00	
	Total	<u> </u>	\$48,885.00
	FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.		
	Salaries and Wages.....		\$6,000.00

FROM THE GENERAL FUND.

FOR THE ATTORNEY GENERAL:

Salaries and Wages.....	\$422,700.00	Attorney General.
Operations, Printing Briefs, Court Costs and Expenses of Special Litigation in State and Federal Courts	146,950.00	
Total	<u>569,650.00</u>	

FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUBLIC

INSTRUCTION:

Salaries and Wages.....	\$419,000.00	Superin- tendent of Public Instruction.
Operations	166,000.00	
Total	<u>585,000.00</u>	

FROM THE GENERAL FUND.

FOR THE COMMISSIONER OF PUBLIC

LANDS:

Salaries and Wages.....	\$327,000.00	Commis- sioner of Public Lands.
Operations	127,620.00	
Plotting State-owned Lands into Home Sites and Construction of Roadways therein	75,000.00	
Total	<u>529,620.00</u>	

FOR THE INSURANCE COMMISSIONER:

Salaries and Wages.....	\$243,000.00	Insurance Commis- sioner.
Operations	104,000.00	
Total	<u>347,000.00</u>	

FOR LEGISLATIVE EXPENSE:

Salaries of Members of Legislature	\$348,000.00	Legislative expenses.
Printing, Indexing, Binding and Editing Session Laws, Senate and House Journals, Other Leg- islative Printing, and Binding Public Documents of the Thirty- first Session	36,000.00	
Total	<u>384,000.00</u>	

FOR THE SUPREME COURT:

Salaries and Wages.....	\$418,440.00	Supreme Court.
Operations	35,345.00	
Total	<u>453,785.00</u>	

FOR THE STATE LAW LIBRARY:

Salaries and Wages.....	\$30,000.00	State Law Library.
Operations	30,000.00	
Total	<u>60,000.00</u>	

FOR THE JUDICIAL COUNCIL:

Salaries, Wages and Operations...	\$3,500.00	Judicial Council.
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Uniform Law Commission.	FOR THE UNIFORM LAW COMMISSION: Operations		\$975.00
Superior Court Judges.	FOR THE SUPERIOR COURT JUDGES: Salaries and Wages.....	\$533,000.00	
	Expenses, Judges in Joint Districts	9,000.00	
	Total	<hr/>	\$542,000.00
Association of Superior Court Judges.	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES: Operations		\$2,250.00
Judges' Retirement Fund.	FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of Chapter 229, Laws of 1937.....		\$64,000.00
State Aeronautics Commission.	FOR THE STATE AERONAUTICS COMMISSION: Salaries, Wages and Operations...		\$50,000.00
State Athletic Commission.	FOR THE STATE ATHLETIC COMMISSION: Salaries and Wages.....	\$7,420.00	
	Operations	3,180.00	
	Total	<hr/>	\$10,600.00
State Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE: Salaries and Wages.....	\$14,500.00	
	Operations	6,225.00	
	Portrait of the Honorable Clarence D. Martin	650.00	
	Portrait of the Honorable Mon C. Wallgren	650.00	
	Total	<hr/>	\$22,025.00
State Board for the Certification of Librarians.	FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS: Salaries, Wages and Operations...		\$300.00
State Board of Education.	FOR THE STATE BOARD OF EDUCATION: General Office, including Junior College Supervision: Salaries and Wages.....	\$50,000.00	
	Operations	17,500.00	
	In-Service Training for Teachers: Operations	5,000.00	
Aid for Veterans' Children.	To be expended in accordance with the provisions of Chapter 224, Laws of 1947, providing Educational Aid for Children of Veterans	10,000.00	
Assistance for blind students.	To be expended in accordance with the provisions of Chapter 154, Laws of 1935, as amended, providing assistance for Blind Students	20,000.00	
	Total	<hr/>	\$102,500.00

FROM THE STATE EMPLOYEES' RETIREMENT SYSTEM
EXPENSE FUND.

FOR THE STATE EMPLOYEES'		State Em- ployees' Retirement Board.
RETIREMENT BOARD:		
Salaries, Wages and Operations . . .	\$190,000.00	
FROM THE STATE EMPLOYEES' RETIREMENT FUND.		
Pensions, Awards, Disability Pay- ments, Adjustments and Refunds	\$5,291,799.00	
FROM THE GENERAL FUND.		
FOR THE STATE FINANCE COMMITTEE:		
Salaries and Wages	\$18,000.00	State Finance Committee.
Operations	2,900.00	
Total	\$20,900.00	
FOR THE STATE FOREST BOARD:		
Salaries and Wages	\$22,000.00	State Forest Board.
Operations	6,600.00	
Total	\$28,600.00	
FOR THE BOARD OF STATE LAND COMMISSIONERS:		
Salaries and Wages	\$53,000.00	Board of State Land Commis- sioners.
Operations	29,390.00	
Total	\$82,390.00	
FOR THE STATE LIBRARY COMMISSION:		
Salaries and Wages	\$100,000.00	State Li- brary Com- mission.
Operations	43,000.00	
For Allocation to Public Libraries in accordance with the pro- visions of Chapter 232, Laws of 1945	100,000.00	
Total	\$243,000.00	
FROM THE PARKS AND PARKWAY FUND.		
FOR THE STATE PARKS AND RECREATION COMMISSION:		
Salaries and Wages	\$315,000.00	State Parks and Recrea- tion Com- mission.
Operations	255,000.00	
Capital Outlays, Major Repairs and Betterments	450,000.00	
(Expenditures from Parks and Parkway Fund shall not ex- ceed cash on hand and avail- able for expenditure.)		
Total	\$1,020,000.00	
FROM THE MILLERSYLVANIA PARK CURRENT FUND.		
Improvement, Maintenance and Upkeep of Millersylvania Park	\$400.00	

FROM THE GENERAL FUND.

State Board of Pharmacy.

FOR THE STATE BOARD OF

PHARMACY:

Salaries and Wages.....	\$35,000.00	
Operations	23,000.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$58,000.00

FROM THE PUGET SOUND PILOTAGE FUND.

State Board of Pilotage Commissioners.

FOR THE STATE BOARD OF PILOTAGE

COMMISSIONERS:

Salaries and Wages.....	\$4,200.00	
Operations	1,210.00	
Total	_____	\$5,410.00

FROM THE GENERAL FUND.

Pollution Control Commission.

FOR THE POLLUTION CONTROL

COMMISSION:

Salaries and Wages.....	\$98,736.00	
Operations	50,000.00	
Total	_____	\$148,736.00

Board of Prison Terms and Paroles.

FOR THE BOARD OF PRISON TERMS

AND PAROLES:

Salaries and Wages.....	\$252,000.00	
Operations	91,100.00	
Total	_____	\$343,100.00

FROM THE TEACHERS' RETIREMENT FUND.

Board of Trustees of State Teachers' Retirement System.

FOR THE BOARD OF TRUSTEES OF THE

STATE TEACHERS' RETIREMENT

SYSTEM:

Salaries and Wages.....	\$112,750.00	
Operations	33,000.00	
For the Payment of Annuities, Awards and Refunds as provided by law		
	8,607,206.00	
Total	_____	\$8,752,956.00

Veterans' Rehabilitation Council.

FOR THE VETERANS'

REHABILITATION

COUNCIL:

From the General Fund	\$780,000.00	
From the Veterans' Rehabilitation Council Fund	\$120,000.00	
To carry out the provisions of Chapter 110, Laws of 1947...		\$900,000.00

FROM THE UNITED STATES VOCATIONAL
EDUCATION FUND.

FOR THE STATE BOARD FOR

VOCATIONAL EDUCATION:

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and August 1, 1946, and acts amendatory or supplementary thereto, providing for the promotion and development of Vocational Education	\$1,155,919.00	State Board of Vocational Education.
To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and July 6, 1943, and subsequent amendments, providing for Civilian Vocational Rehabilitation.	1,656,397.00	Vocational Development.
To be expended for special veterans' training in cooperation with the United States Veterans' Administration, expenditures not to exceed receipts from the Federal Government	1,248,000.00	Civilian vocational rehabilitation.
Total	\$4,060,316.00	Veterans' training.

FROM THE WASHINGTON STATE PATROL
RETIREMENT FUND.

FOR THE WASHINGTON STATE PATROL

RETIREMENT BOARD:

Pensions, Benefits, Awards and Refunds	\$10,000.00	Washington State Patrol Retirement Board.
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FROM THE GENERAL FUND.

FOR THE ADJUTANT GENERAL—

MILITARY DEPARTMENT:

Salaries and Wages	\$250,000.00	Adjutant General— Military Department.
Operations	205,000.00	
Uniform Allowance	60,000.00	
Armory Drill Pay	15,000.00	
Medical Aid and Compensation	10,000.00	
Major Repairs and Betterments to Armories	50,000.00	
Total	\$590,000.00	

Department
of Agricul-
ture.

FOR THE DEPARTMENT OF AGRICULTURE:

Salaries and Wages.....	\$522,321.00	
Operations	217,365.00	
Indemnities and Control of Bang's Disease and Bovine Tuberculosis; Control of Mastitis, Plant Diseases, Insect Pests, Apiculture; Marketing Research; Marketing and Farm Production Reports	1,161,000.00	
Total	—————	\$1,900,686.00

FROM THE FEED AND FERTILIZER FUND.

Salaries and Wages.....	\$34,855.00	
Operations	25,507.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	—————	\$60,362.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and Wages.....	\$538,715.00	
Operations	108,256.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	—————	\$646,971.00

FROM THE COMMISSION MERCHANTS' FUND.

Salaries and Wages.....	\$70,475.00	
Operations	28,773.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	—————	\$99,248.00

FROM THE NURSERY INSPECTION FUND.

Salaries and Wages.....	\$50,195.00	
Operations	24,923.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	—————	\$75,118.00

FROM THE SEED FUND.

Salaries and Wages.....	\$28,460.00	
Operations	31,540.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	—————	\$60,000.00

FROM THE GENERAL FUND.

FOR THE OFFICE OF THE DIRECTOR OF BUDGET:		Director of Budget.
Salaries and Wages.....	\$255,500.00	
Operations	86,500.00	
Personnel Office:		
Salaries and Wages.....	40,000.00	
Operations	7,800.00	
Total	_____	\$389,800.00
FOR THE DEPARTMENT OF CONSERVA- TION AND DEVELOPMENT:		Department of Conser- vation and Develop- ment.
General Office, including Divisions of Hydraulics, Mines and Geology; and Flood Control Administration:		
Salaries and Wages.....	\$190,000.00	
Operations	69,750.00	
Columbia Basin Commission:		Columbia Basin Com- mission.
Salaries and Wages.....	40,000.00	
Operations	40,000.00	
Division of Forestry:		Division of Forestry.
Salaries and Wages.....	600,000.00	
Operations	270,000.00	
Reforestation:		Reforesta- tion.
Salaries, Wages and Opera- tions	125,000.00	
Institute of Forest Products:		Institute of Forest Products.
Salaries, Wages and Operations.	100,000.00	
Stream Gauging and Ground Water Surveys:		Stream gauging and ground wa- ter surveys.
Operations	75,000.00	
Total	_____	\$1,509,750.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:		Reclamation Division.
Salaries and Wages.....	\$35,000.00	
Operations	20,000.00	
Natural Resources Surveys:		Natural resources surveys.
Salaries, Wages and Operations.	60,000.00	
Financing of reclamation districts as provided by law.....		Financing of reclamation districts.
(Expenditures from Reclama- tion Revolving Fund not to exceed cash on hand and available for expenditure)	750,000.00	
Total	_____	\$865,000.00

FROM THE GENERAL FUND.

Department of Fisheries.	FOR THE DEPARTMENT OF FISHERIES:	
	Salaries and Wages.....	\$834,060.00
	Operations	626,770.00
	Bounties and Destruction, Seals and Sea Lions.....	35,000.00
	For the purpose of paying the ac- tual and necessary expenses of participation of the State of Washington in The Pacific Ma- rine Fisheries Commission.....	18,000.00
	Lower Columbia River Develop- ment (Expenditures to be lim- ited to approved projects upon which reimbursement of 100% will be made by the Federal Government)	1,830,000.00
	Capital Outlays, Major Repairs and Betterments	400,000.00
	Total	<u> </u> \$3,743,830.00

FROM THE LEWIS RIVER HATCHERY FUND.

Lewis River Hatchery Fund.	Salaries and Wages.....	\$25,000.00
	Operations	10,000.00
	Total	<u> </u> \$35,000.00

FROM THE GAME FUND.

Department of Game.	FOR THE DEPARTMENT OF GAME:	
	Salaries and Wages.....	\$2,132,270.00
	Operations	2,353,615.00
	Wild Life Restoration and Re- search, including the Purchase, Condemnation or Leasing of Lands (Expenditures to be lim- ited to approved projects upon which reimbursement of 75% will be made by the Federal Government)	1,140,000.00
	Capital Outlays and Major Repairs	400,000.00
	Acquisition of Lands for Public Hunting and Fishing Areas, Game Habitat Area, Access Ar- eas to Lakes and Streams and Other Like Purposes.....	590,000.00
	Total	<u> </u> \$6,615,885.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:

Department of Health.

General Administration, County Public Health Work, and Con- servation of Hearing Program:		
Salaries and Wages.....	\$695,000.00	
Operations	240,200.00	
Rheumatic Fever Program:		
Salaries, Wages and Operations.	51,000.00	
Crippled Children's Program:		
Salaries and Wages.....	51,000.00	
Operations and Assistance.....	134,000.00	
For Public Health Work (includ- ing Deficiencies, Expenditures not to exceed amounts receiv- ed and credited to General Fund from the Federal Govern- ment for Public Health Work)	1,474,490.00	
Tuberculosis Hospitalization:		
State Aid to Counties.....	6,500,000.00	
Field Training Program:		
Salaries, Wages and Operations.	53,640.00	
(Expenditures not to exceed amounts received from W. K. Kellogg Foundation)		
Hospitalization for Cerebral Palsy:		
Salaries, Wages, Operations and Hospitalization	250,000.00	
Total	<u> </u>	\$9,449,330.00

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Department of Labor and Industries.

Salaries and Wages.....	\$1,073,418.00	
Operations	515,000.00	
To Carry out Provisions of Chap- ter 233, Laws of 1947, for the Payment of Additional Pensions	3,500,000.00	
To Carry Out Provisions of Senate Bill No. 325, relating to the In- dustrial Welfare Commission..	40,000.00	
Total	<u> </u>	\$5,128,418.00

FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$1,000,000.00	
Operations	263,555.00	
Appeal Costs:		
Salaries and Wages.....	73,980.00	
Operations	89,876.00	

Appeal costs.

Rehabilitation Center.	Rehabilitation Center:		
	Salaries and Wages.....	\$111,444.00	
	Operations	82,363.00	
Medical services and refunds.	Medical Services and Refunds (including Deficiencies).....	12,000,000.00	
	Total	—————	\$13,621,218.00

FROM THE ACCIDENT FUND.

Appeal costs.	Appeal Costs:		
	Salaries and Wages.....	\$73,980.00	
	Operations	89,876.00	
Injury Claims.	Catastrophe Injury Claims.....	500,000.00	
	Second Injury Claims.....	500,000.00	
	Claims and Awards (including Deficiencies)	27,500,000.00	
	Total	—————	\$28,663,856.00

FROM THE ELECTRICAL LICENSE FUND.

Salaries and Wages.....	\$117,840.00	
Operations	42,525.00	
Total	—————	\$160,365.00

FROM THE GENERAL FUND.

Department of Licenses.	FOR THE DEPARTMENT OF LICENSES:		
	Salaries and Wages.....	\$245,000.00	
	Operations	170,000.00	
	To carry out the provisions of House Bill No. 159, the Public Accounting Act: <i>Provided</i> , That expenditures herefrom shall not exceed revenues accruing under the Act	40,000.00	
	To carry out the provisions of House Bill No. 52, relating to Professional Nursing	10,000.00	
	To carry out the provisions of House Bill No. 157, the Physical Therapists Act	10,000.00	
	To carry out the provisions of House Bill No. 211, the Licensed Practical Nurses Act.....	20,000.00	
	Total	—————	\$495,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$760,000.00	
Operations	535,000.00	
Liquid Fuel Tax Refunds.....	5,000,000.00	
Total	—————	\$6,295,000.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$200,000.00	
Operations	95,000.00	
To carry out the provisions of House Bill No. 394, relating to Motor Vehicle Operators Li- censes	70,000.00	
Total	—————	\$365,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		Department of Public Institutions.
General Office, including Division of Public Institutions and Di- vision of Purchasing:		
Salaries and Wages.....	\$350,000.00	
Operations	70,000.00	
Division of Banking:		Division of Banking.
Salaries and Wages.....	92,600.00	
Operations	30,500.00	
Division of Savings and Loan As- sociations:		Division of Savings and Loan Asso- ciations.
Salaries and Wages.....	53,210.00	
Operations	22,040.00	
Capitol Buildings and Grounds:		Capitol Buildings and Grounds.
Salaries and Wages.....	460,000.00	
Operations	250,000.00	
Parole, Transportation and Depor- tation:		
Salaries and Wages.....	14,000.00	
Operations	36,000.00	
Painting, Repairs and Alterations to Buildings	50,000.00	
Total	—————	\$1,428,350.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

FOR THE WASHINGTON PUBLIC SERVICE COMMISSION:		Public Ser- vice Com- mission.
Salaries and Wages.....	\$1,075,000.00	
Operations	550,000.00	
Special Investigations:		
Salaries, Wages and Operations.	175,000.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected, but in no event shall any warrant be drawn on the Public Service Revolving Fund in excess of actual cash on de- posit in the State Treasury.)		
Total	—————	\$1,800,000.00

FROM THE GENERAL FUND.

Department
of Social
Security.

FOR THE DEPARTMENT OF SOCIAL SECURITY:

Salaries and Wages.....	\$6,100,000.00	
Operations	1,500,000.00	
Division of Old Age Assistance:		
Senior Citizen Grants.....	115,550,000.00	
Division of Public Assistance:		
Assistance as provided by law..	15,265,000.00	
Burials	950,000.00	
Medical Services	22,000,000.00	
Division for Children:		
Assistance as provided by law.	37,000,000.00	
Division for the Blind:		
Assistance as provided by law..	1,700,000.00	
To carry out provisions of Sub-		
stitute House Bill No. 276.....	215,000.00	
Total	—————	\$200,280,000.00

Washington
State
Patrol.

FOR THE WASHINGTON STATE PATROL:

Salaries and Wages.....	\$750,000.00	
Operations	250,000.00	
Total	—————	\$1,000,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$998,000.00	
Operations	662,000.00	
Total	—————	\$1,660,000.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$1,464,210.00	
Operations	763,000.00	
Vehicle Safety Inspection:		
Salaries, Wages and Operations.	50,000.00	
Total	—————	\$2,277,210.00

FROM THE GENERAL FUND.

Tax Com-
mission.

FOR THE TAX COMMISSION OF THE
STATE OF WASHINGTON:

Salaries and Wages.....	\$1,615,240.00	
Operations	440,760.00	
Purchase of Tax Tokens and Cig- arette Stamps	84,500.00	
Refund of taxes and penalties and interest thereon, erroneously paid under Titles II, III, IV, V, VII, VIII, XII, XIII, and XV, of Chapter 180, Laws of 1935, and all laws amendatory thereto, and under Chapter 119, Laws of 1941,		

and all laws amendatory there-
to, as authorized by the Tax
Commission, or directed by the
judgment of a court of compe-
tent jurisdiction not appealed
from\$1,000,000.00
Total \$3,140,500.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Refunds as provided by Chapter
152, Laws of 1945..... \$115,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC IN- STITUTIONS:		Department of Public Institutions.
State School for the Blind:		State School for Blind.
Salaries and Wages.....	\$242,900.00	
Operations	134,400.00	
Total	—————	\$377,300.00
State School for the Deaf:		State School for Deaf.
Salaries and Wages.....	\$291,100.00	
Operations	146,300.00	
Total	—————	\$437,400.00
Eastern State Hospital:		Eastern State Hospital.
Salaries and Wages.....	\$1,863,200.00	
Operations	1,372,100.00	
Total	—————	\$3,235,300.00
State School for Girls:		State School for Girls.
Salaries and Wages.....	\$166,000.00	
Operations	103,300.00	
Total	—————	\$269,300.00
Lakeland Village:		Lakewood Village.
Salaries and Wages.....	\$1,085,300.00	
Operations	1,268,500.00	
Total	—————	\$2,353,800.00
Northern State Hospital:		Northern State Hospital.
Salaries and Wages.....	\$1,800,800.00	
Operations	1,284,700.00	
Total	—————	\$3,085,500.00
Washington State Penitentiary:		Washington State Peni- tentiary.
Salaries and Wages.....	\$762,600.00	
Operations	1,252,100.00	
To carry out provisions of Chapter 197, Laws of 1947— Prisoners' Aid Fund.....	5,000.00	
Total	—————	\$2,019,700.00

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$240,000.00	
Operations	509,900.00	
Total	—————	\$749,900.00

FROM THE GENERAL FUND.

Rainier State School.	Rainier State School:		
	Salaries and Wages.....	\$1,363,700.00	
	Operations	963,200.00	
	Total	—————	\$2,326,900.00
Washington State Reformatory.	Washington State Reformatory:		
	Salaries and Wages.....	\$456,500.00	
	Operations	583,300.00	
	To carry out provisions of Chapter 197, Laws of 1947—		
	Prisoners' Aid Fund.....	5,000.00	
	Total	—————	\$1,044,800.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$78,250.00	
Operations	118,500.00	
Total	—————	\$196,750.00

FROM THE GENERAL FUND.

State Soldiers' Home and Colony.	State Soldiers' Home and Colony:		
	Salaries and Wages.....	\$184,600.00	
	Operations	189,200.00	
	Total	—————	\$373,800.00
State Training School.	State Training School:		
	Salaries and Wages.....	\$322,400.00	
	Operations	299,900.00	
	Total	—————	\$622,300.00
Washington Veterans' Home.	Washington Veterans' Home:		
	Salaries and Wages.....	\$430,700.00	
	Operations	441,300.00	
	Total	—————	\$872,000.00
Western State Hospital.	Western State Hospital:		
	Salaries and Wages.....	\$2,291,200.00	
	Operations	1,766,000.00	
	Total	—————	\$4,057,200.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

University of Washington.	FOR THE UNIVERSITY OF WASHINGTON:		
	Salaries and Wages.....	\$15,650,760.00	
	Operations, including Repairs....	3,849,240.00	
	Total	—————	\$19,500,000.00

FROM THE GENERAL FUND.

School of Medicine and Dentistry:		School of Medicine and Dentistry.
Salaries and Wages.....	\$2,535,000.00	
Operations and Maintenance...	1,115,000.00	
Total	—————	\$3,650,000.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Bureau of Governmental Research:		Bureau of Govern- mental Research.
Municipal Research and Service in accordance with the provi- sions of Chapter 54, Laws of 1945		\$95,000.00

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASHINGTON:		State College of Washington.
Salaries and Wages.....	\$6,818,800.00	
Operations	2,704,010.00	
Total	—————	\$9,522,810.00

For Agricultural Experiment Stations:		Agricultural Experiment Stations.
Salaries, Wages and Operations.	\$2,582,820.00	
<i>Provided, That expenditures herefrom be allocated as fol- lows:</i>		

Main Experiment Station, Pull- man and Walla Walla.....	\$1,158,760.00
Western Washington Experi- ment Station, Puyallup.....	671,710.00
Irrigation Branch Station, Proser	382,520.00
Tree Fruit Branch Station, Wen- athee	165,650.00
Dry Land Branch Station, Lind.	43,930.00
Cranberry - Blueberry Branch Station, Ilwaco	29,160.00
Northwestern Washington Ex- periment Station, Mount Ver- non	76,160.00
Southwestern Washington Ex- periment Station, Vancouver.	54,930.00
	—————

For Agricultural Extension Work:		Agricultural Extension Work.
Salaries and Wages.....	\$796,950.00	
Operations	204,520.00	
Total	—————	\$1,001,470.00

For Division of Industrial Research:		Division of Industrial Research.
Salaries and Wages.....	\$384,100.00	
Operations	308,800.00	
Total	—————	\$692,900.00

Central Washington College of Education.

FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		
From the Normal School Current Fund	\$60,000.00	
From the Central College Fund	\$1,240,000.00	
Salaries and Wages.....	\$1,117,180.00	
Operations	182,820.00	
Total	—————	\$1,300,000.00

Eastern Washington College of Education.

FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		
From the Normal School Current Fund	\$60,000.00	
From the Eastern College Fund	\$1,240,000.00	
Salaries and Wages.....	\$1,113,880.00	
Operations	186,120.00	
Total	—————	\$1,300,000.00

Western Washington College of Education.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		
From the Normal School Current Fund	\$60,000.00	
From the Western College Fund	\$1,240,000.00	
Salaries and Wages.....	\$1,116,500.00	
Operations	183,500.00	
Total	—————	\$1,300,000.00

Capital outlays, major repairs and maintenance.

FOR CAPITAL OUTLAYS, MAJOR REPAIRS AND MAINTENANCE:
 To be expended independently of, or in conjunction with funds allocated by the Federal, county or municipal governments or agencies: *Provided*, That the following appropriations shall become available only upon written approval of the Governor.

FROM THE GENERAL FUND.

Eastern State Hospital.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:	
Eastern State Hospital:	
Completion of Senile Ward Building	\$526,500.00
Equipment for Senile Ward Building	\$180,000.00

Western State Hospital.

Western State Hospital:	
Completion of Men's Ward Building	\$1,350,000.00

Equipment for Men's Ward Building	\$180,000.00	
Construction of Sewage Disposal Plant	\$157,500.00	
FOR THE UNIVERSITY OF WASHINGTON:		University of Wash- ington.
Expansion of Power House and Construction of Underground Utilities to Service New Buildings	\$2,475,000.00	
FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.		
Construction of New Buildings, Equipment and Remodeling....	\$2,250,000.00	
FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.		
FOR THE STATE COLLEGE OF WASHINGTON:		State College of Washington.
Capital Outlays, Major Repairs and Betterments	\$835,000.00	
FROM THE GENERAL FUND.		
Completion of existing contracts on Holland Library Building...	\$391,342.17	
Furnishings and Equipment for Holland Library, Todd Hall and Technology Buildings.....	\$400,000.00	
Expansion of Power House, and Construction of Utilities Tunnels to Service New Buildings..	\$357,000.00	
FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		Western Washington College of Education.
Completion of Auditorium and Music Building, and Equipment.	\$700,000.00	
Completion of Industrial Arts Building, and Equipment....	\$220,000.00	
FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern Washington State Historical Society.
Purchase and Installation of Heating Plant, and expense incidental thereto	\$12,000.00	
Total Capital Outlays, Major Repairs and Maintenance.	—————	\$10,034,342.17
FOR THE STATE BOARD OF EDUCATION:		State Board of Education.
Grants-in-aid to School Districts to be expended in accordance with the provisions of Chapter 278, Laws of 1947, and Laws amendatory or supplementary thereto:		

Provided, That this appropriation shall become available only upon the unanimous approval in writing of the State Finance Committee, *And Provided Further*, That such approval shall be given only when the State Board of Education shall certify that an emergency exists in any school district applying for a grant-in-aid \$6,500,000.00

FROM THE CONTINGENT RECEIPTS FUND.

Contingent Receipts Fund. TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 243, LAWS OF 1945, AND LAWS AMENDATORY OR SUPPLEMENTARY THERETO. \$5,000,000.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Capitol Building Construction Fund. FOR BOND RETIREMENT AND INTEREST \$253,125.00

FROM THE GENERAL FUND.

Council of State Governments. FOR THE COUNCIL OF STATE GOVERNMENTS:
To be distributed on Vouchers approved by the Governor..... \$5,000.00

Court costs in Insanity cases. FOR COURT COSTS IN INSANITY CASES: (including Deficiencies) \$60,000.00

Criminal cost bills. FOR CRIMINAL COST BILLS (including Deficiencies) \$25,000.00

FROM THE CURRENT SCHOOL FUND.

Current School Fund. FOR APPORTIONMENT, DURING THE MONTHS OF APRIL, MAY AND JUNE, 1949, TO COUNTIES FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERETO, TO COMPENSATE FOR MIS-CALCULATION OF FUNDS AVAILABLE FOR APPORTIONMENT DURING THE SCHOOL YEAR ENDING JUNE 30, 1949 \$2,285,746.00

Apportionment to counties for school districts. FOR APPORTIONMENT TO COUNTIES FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERETO: *Provided*, That the funds apportioned hereunder on the basis of the number

of certificated employees shall not exceed sixteen hundred fifty dollars (\$1,650.00) per educational unit	\$109,750,000.00	
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Superintendent of Public Instruction.
To be expended in accordance with the provisions of Chapter 120, Laws of 1943, relating to the education of handicapped children, and Chapter 240, Laws of 1947, relating to the education of children afflicted with cerebral palsy	\$500,000.00	
FROM THE STATE SCHOOL EQUALIZATION FUND.		State School Equalization Fund—payments to counties.
FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 31, LAWS OF 1949	\$13,615,367.00	
FROM THE GENERAL FUND.		
FOR THE PORT OF SEATTLE:		Port of Seattle.
For custom guard expense and assistance in advertising and promoting the Foreign Trade Zone established at Seattle under Public Law 397 of the Seventy-third Congress	\$100,000.00	
NURSERY SCHOOL SUPPORT:		Nursery school support.
For distribution to School Districts as provided by Chapter 220, Laws of 1943.....	\$250,000.00	
SCHOOL RECREATION PROGRAMS:		School recreation programs.
For distribution to School Districts as provided by Chapter 247, Laws of 1945.....	\$250,000.00	
MAINTENANCE OF PUBLIC JUNIOR COLLEGES:		Maintenance of public junior colleges.
For distribution to Junior Colleges as provided by Chapter 146, Laws of 1941, and Acts Amendatory thereto	\$20,000.00	
FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES APPROVED DURING THE BIENNIUM APRIL 1, 1949, TO MARCH 31, 1951, PURSUANT TO SECTION 10, CHAPTER 9, LAWS OF 1925, AS AMENDED BY SECTION 6, CHAPTER 162, LAWS OF 1929	\$250,000.00	Payment of warrants drawn for emergency purposes.

Governor.	<p>FOR THE GOVERNOR:</p> <p>To be allocated to various state departments, offices and institutions for salaries, wages, operations, and emergency construction or repairs of public buildings: <i>Provided</i>, That this appropriation shall become available only upon filing with the Secretary of State, from time to time, allotments to said departments, offices and institutions, setting forth the purpose and amount allotted therefor, approved by the Governor</p>	\$2,000,000.00
Emergency construction or repairs of public buildings.		
Distribution of funds received under the Federal Act of June 28, 1934, 48 Stat. 1273, Section 10.	<p>FOR DISTRIBUTION OF FUNDS RECEIVED UNDER THE FEDERAL ACT OF JUNE 28, 1934, 48 STAT. 1273, SECTION 10 (INCLUDING DEFICIENCIES). THESE FUNDS TO BE DISTRIBUTED TO COUNTIES FROM WHICH RECEIPTS WERE DERIVED</p>	\$7,500.00
State Auditor. Payment of Improvement District Assessments.	<p>FOR THE STATE AUDITOR:</p> <p>For the payment of Local Improvement District Assessments as provided by Chapter 205, Laws of 1947</p>	\$50,000.00
	<p>FROM THE FOREST RESERVE FUND.</p>	
Forest Reserve Fund.	<p>FOR DISTRIBUTION OF MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT FROM FOREST RESERVES AS PROVIDED BY CHAPTER 185, LAWS OF 1907 (INCLUDING DEFICIENCIES) ..</p>	\$2,000,000.00
General Obligation Bonds of 1933 Retirement Fund.	<p style="text-align: center;">FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.</p> <p>FOR BOND RETIREMENT AND INTEREST</p>	\$1,574,860.00
Distributions from Harbor Improvement Fund.	<p style="text-align: center;">FROM THE HARBOR IMPROVEMENT FUND.</p> <p>FOR DISTRIBUTION IN ACCORDANCE WITH CHAPTERS 168, 169 and 170, LAWS OF 1913, BASED ON RECEIPTS (INCLUDING DEFICIENCIES)</p>	\$200,000.00
Cities and towns.	<p style="text-align: center;">FROM THE MOTOR VEHICLE EXCISE FUND.</p> <p>FOR TRANSFERS AND DISTRIBUTION TO CITIES AND TOWNS AS PROVIDED BY CHAPTER 144, LAWS OF 1943, AND ACTS AMENDATORY THERETO (INCLUDING DEFICIENCIES)</p>	\$12,500,000.00

FROM THE GENERAL FUND.

FOR TUBERCULOSIS HOSPITALS (including Deficiencies)	\$400,000.00	Tuberculosis Hospitals.
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

FOR CLAIMS, AWARDS AND OTHER EXPENSES ALLOWED BY LAW (including deficiencies)	\$34,500.00	Volunteer Firemen's Relief and Pension Fund.
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FROM THE WAR LIQUOR TAX FUND.

FOR TRANSFERS AND DISTRIBUTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 173, LAWS OF 1943, AND ACTS AMENDATORY THERETO..	\$6,500,000.00	Distributions from War Liquor Tax Fund.
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FROM THE GENERAL FUND.

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION:		State Capitol Historical Association.
Salaries and Wages.....	\$9,600.00	
Operations	6,400.00	
Total	\$16,000.00	

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:		Washington State Historical Society.
Salaries and Wages.....	\$38,000.00	
Operations	15,000.00	
Total	\$53,000.00	

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern Washington State Historical Society.
Salaries and Wages.....	\$12,144.00	
Operations	5,356.00	
Total	\$17,500.00	

FOR TRANSFERS:		Transfers.
To Teachers' Retirement Fund..	\$5,500,000.00	Teachers' Retirement and Pension Reserve Funds.
To Teachers' Retirement Pension Reserve Fund.....	5,500,000.00	
To United States Vocational Education Fund:		U. S. Vocational Fund.
To Carry Out Provisions of Chapter 183, Laws of 1939..	250,000.00	To carry out provisions of Chapter 183, Laws of 1939 and Chapter 176, Laws of 1933.
To Carry Out Provision of Chapter 176, Laws of 1933..	450,000.00	
(Transfers to be made from time to time and in such amounts as the Governor shall determine.)		
Total	\$11,700,000.00	

FROM THE INVESTMENT RESERVE FUND.

To Deposit Interest Fund.	To Deposit Interest Fund for immediate transfer by the State Treasurer to the various funds as provided by Rem. Rev. Stat., Section 5553, based upon distribution made January 15, 1949.	\$2,000,000.00
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FROM THE MOTOR VEHICLE FUND.

Washington State Patrol.	FOR THE WASHINGTON STATE PATROL: To reimburse the General Fund for allotment made from \$1,000,000.00 appropriation by Chapter 286, Laws of 1947 (Allotment Approved by the Governor August 8, 1947).....	\$26,100.00
Department of Licenses.	FOR THE DEPARTMENT OF LICENSES: To reimburse the General Fund for allotments made from \$1,000,000.00 appropriation by Chapter 286, Laws of 1947 (Allotments Approved by the Governor January 3, 1949, January 5, 1949, and February 25, 1949).	\$11,809.00

FROM THE HIGHWAY SAFETY FUND.

Washington State Patrol.	FOR THE WASHINGTON STATE PATROL: To reimburse the General Fund for allotment made from \$1,000,000.00 appropriation by Chapter 286, Laws of 1947 (Allotment Approved by the Governor August 8, 1947).....	\$113,220.00
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FROM THE GENERAL FUND.

Secretary of State.	FOR THE SECRETARY OF STATE: Deficiency, Checking, Printing, Advertising and Mailing Initiative and Referendum Measures and Constitutional Amendments (Emergency Approved October 2, 1948).....	\$13,186.00
State Treasurer.	FOR THE STATE TREASURER: Deficiency, Salaries, Wages and Operations (Emergency Approved February 16, 1949).....	\$26,500.00

FOR THE COMMISSIONER OF PUBLIC LANDS:	Comms- sioner of Public Lands.
Deficiency, Salaries, Wages and Operations (Emergency Approved April 26, 1947)	\$1,083.67
FOR THE MILITARY DEPARTMENT:	Military Department.
Deficiency, To Repair Damages Caused by Fire in the Tacoma Armory (Emergency Approved June 2, 1948)	\$18,069.34
FROM THE MOTOR VEHICLE FUND.	
FOR THE STATE TREASURER:	State Treasurer.
Motor Vehicle Division:	
Deficiency, Salaries, Wages and Operations (to reimburse the General Fund account Emergency Approved February 16, 1949)	\$3,000.00
FROM THE MOTOR VEHICLE EXCISE FUND.	
FOR THE STATE TAX COMMISSION:	State Tax Commission.
Deficiency, Refund of Motor Vehicle Excise Taxes (to reimburse the General Fund account Emergencies Approved September 23, 1947, and August 13, 1948).	\$70,227.20
FROM THE GENERAL FUND.	
LOCAL IMPROVEMENT ASSESSMENTS:	Local Im- provement 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 ADAMS COUNTY:	Treasurer of Adams County.
East Columbia Basin Irrigation District	\$258.95
FOR THE TREASURER OF CLARK COUNTY:	Treasurer of Clark County.
Drainage District No. 5	\$117.50

Treasurer of Cowlitz County.	FOR THE TREASURER OF COWLITZ COUNTY:		
	Diking District No. 2.....	\$132.43	
	Sewer District No. 16.....	73.60	
	Diking District No. 5.....	628.34	
	Total	<hr/>	\$834.37
Treasurer of Franklin County.	FOR THE TREASURER OF FRANKLIN COUNTY:		
	South Columbia Basin Irrigation District		\$438.95
Treasurer of Grant County.	FOR THE TREASURER OF GRANT COUNTY:		
	East Columbia Basin Irrigation District	\$208.91	
	Quincy-Columbia Basin Irrigation District	447.21	
	South Columbia Basin Irrigation District	102.44	
	Total	<hr/>	\$758.56
Treasurer of Grays Har- bor County.	FOR THE TREASURER OF GRAYS HAR- BOR COUNTY:		
	Drainage District No. 4.....		\$1,345.34
Treasurer of Kittitas County.	FOR THE TREASURER OF KITTITAS COUNTY:		
	Kittitas Irrigation District.....	\$2,695.75	
	Kittitas Reclamation District.....	1,879.50	
	Total	<hr/>	\$4,575.25
Treasurer of Klickitat County.	FOR THE TREASURER OF KLICKITAT COUNTY:		
	White Salmon Irrigation District.		\$80.00
Treasurer of Pend Oreille County.	FOR THE TREASURER OF PEND OREILLE COUNTY:		
	Diking District No. 2.....		\$101.23
Treasurer of Okanogan County.	FOR THE TREASURER OF OKANOGAN COUNTY:		
	Whitestone Reclamation District..	\$1,936.00	
	Wolf Creek Reclamation District.	1,007.00	
	Whitestone Reclamation District.	208.00	
	Total	<hr/>	\$3,151.00
Treasurer of Skagit County.	FOR THE TREASURER OF SKAGIT COUNTY:		
	Diking District No. 5.....	\$17.18	
	Diking District No. 15.....	95.28	
	Drainage District No. 15.....	21.54	
	Drainage District No. 14.....	1,485.79	
	Total	<hr/>	\$1,619.79

FOR THE TREASURER OF SNOHOMISH COUNTY:		Treasurer of Snohomish County.
Diking District No. 5.....		\$898.90
FOR THE TREASURER OF SPOKANE COUNTY:		Treasurer of Spokane County.
Spokane County Weed Control District		\$4.04
FOR THE TREASURER OF THURSTON COUNTY:		Treasurer of Thurston County.
Drainage District No. 3.....		\$16.90
FOR THE TREASURER OF WAHKIAKUM COUNTY:		Treasurer of Wahkiakum County.
Diking District No. 1.....	\$2,823.28	
Diking District No. 4.....	203.52	
Total	<hr/>	\$3,026.80
FOR THE TREASURER OF WHATCOM COUNTY:		Treasurer of Whatcom County.
Drainage District No. 5.....	\$2.68	
Drainage District No. 7.....	1,939.70	
Delinquent taxes on property in Lysles' Acre Tracts in Section 6, Township 37, Range 3 East W. M.	2.63	
Total	<hr/>	\$1,945.01
FOR THE TREASURER OF YAKIMA COUNTY:		Treasurer of Yakima County.
Yakima-Tieton Irrigation District.	\$687.53	
Roza Irrigation District.....	582.01	
Yakima-Tieton Irrigation District.	697.00	
Total	<hr/>	\$1,966.54
FOR THE TREASURER OF THE CITY OF BELLINGHAM:		Treasurer of City of Bellingham.
Local Improvement District No. SS141	\$1,145.45	
Local Improvement District No. SS141, Interest.....	57.27	
Total	<hr/>	\$1,202.72
FOR THE TREASURER OF THE CITY OF RAYMOND:		Treasurer of City of Raymond.
Local Improvement District No. 147		\$1,428.61
FOR THE TREASURER OF THE CITY OF SEATTLE:		Treasurer of City of Spokane.
Local Improvement District No. 5778	\$2,029.53	

	Local Improvement District under Ordinance No. 76181.....	\$404.00	
	Local Improvement District No. 5790	19.60	
	Local Improvement District No. 5800	423.50	
	Total	<hr/>	\$2,876.63
Treasurer of City of Spokane.	FOR THE TREASURER OF THE CITY OF SPOKANE:		
	Local Improvement District No. 3334	\$418.08	
	Local Improvement District No. 2992	10.59	
	Local Improvement District No. 2542	3.32	
	Local Improvement District No. 3302	73.06	
	Local Improvement District No. 3254	254.10	
	Local Improvement District No. 3137	353.80	
	Local Improvement District No. 3254	10.16	
	Local Improvement District No. 3166	406.14	
	Total	<hr/>	\$1,529.25
Treasurer of City of Tacoma.	FOR THE TREASURER OF THE CITY OF TACOMA:		
	Local Improvement District No. 1727		\$266.62
	FROM THE MOTOR VEHICLE FUND.		
Treasurer of Cowlitz County.	FOR THE TREASURER OF COWLITZ COUNTY:		
	Drainage District No. 1.....		\$2.61
Treasurer of Grant County.	FOR THE TREASURER OF GRANT COUNTY:		
	Quincy-Columbia Basin Irrigation District	\$1.48	
Treasurer of King County.	FOR THE TREASURER OF KING COUNTY:		
	Commercial Waterway District No. 2.	\$12.45	
	Drainage District No. 1.....	.68	
	Total	<hr/>	\$13.13
Treasurer of Okanogan County.	FOR THE TREASURER OF OKANOGAN COUNTY:		
	Pateros Irrigation District.....		\$2.00

FOR THE TREASURER OF PIERCE COUNTY:		Treasurer of Pierce County.
Diking District No. 23.....		\$2.05
FOR THE TREASURER OF YAKIMA COUNTY:		Treasurer of Yakima County.
Drainage Improvement District No. 13	\$7.24	
Drainage Improvement District No. 3	189.56	
Drainage Improvement District No. 9	2.14	
Sub-district No. 7 of Drainage Improvement District No. 3....	57.06	
Drainage Improvement District No. 3	17.64	
Drainage Improvement District No. 25.....	27.73	
Sub-district No. 7 of Drainage Improvement District No. 3....	18.25	
Total	<hr/>	\$319.62
FOR THE TREASURER OF THE CITY OF BREMERTON:		Treasurer of City of Bremerton.
Local Improvement District No. 220		\$33.96
FOR THE TREASURER OF THE CITY OF COLFAX:		Treasurer of City of Colfax.
Local Improvement District No. 55		\$297.92
FOR THE TREASURER OF THE TOWN OF MORTON:		Treasurer of Town of Morton.
Sewer Assessments, P.S.H. No. 5.		\$480.00
FOR THE TREASURER OF THE CITY OF RAYMOND:		Treasurer of City of Raymond.
Local Improvement District No. 143		\$5,774.12
FOR THE TREASURER OF THE CITY OF SPOKANE:		Treasurer of City of Spokane.
Local Improvement District No. 3393	\$1,273.35	
Local Improvement District No. 3260	1,250.52	
Total	<hr/>	\$2,523.87
FOR THE TREASURER OF THE TOWN OF WASHOUGAL:		Treasurer of Town of Washougal.
Local Improvement District No. 13		\$371.93

FROM THE HIGHWAY SAFETY FUND.

Treasurer of City of Walla Walla.	FOR THE TREASURER OF THE CITY OF WALLA WALLA: Local Improvement District No. 426	\$129.84
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FROM THE PARKS AND PARKWAY FUND.

Treasurer of Grays Har- bor County.	FOR THE TREASURER OF GRAYS HAR- BOR COUNTY: Drainage District No. 1.....	\$9.02
Treasurer of Thurston County.	FOR THE TREASURER OF THURSTON COUNTY: Hopkins Drainage Ditch.....	\$14.00

FROM THE GENERAL FUND.

State Aero- nautics Com- mission.	FOR THE STATE AERONAUTICS COM- MISSION: Construction and Maintenance of Emergency Landing Fields and Air Navigation Facilities.....	\$90,794.03
State Board of Education for Grant- in-Aid to School Districts.	FOR THE STATE BOARD OF EDUCATION: Grants-in-Aid to School Districts. (Being the reappropriation of the unexpended balance of appropriations made for like purposes by Chapter 278, Laws of 1947)	\$6,590,215.37
State Finance Committee for Grant- in-Aid to Counties, Cities and Towns.	FOR THE STATE FINANCE COMMITTEE: Grants-in-Aid to Cities and Towns \$74,062.48 Grants-in-Aid to Counties..... 36,641.23 Total	\$110,703.71
Tuberculosis Hospital Building Commission.	FOR THE TUBERCULOSIS HOSPITAL BUILDING COMMISSION: State Aid for Tuberculosis Hos- pital Construction.....	\$1,273,434.77
	(Being the reappropriation of the unexpended balance of	

appropriation made for like purposes by Chapter 286, Laws of 1947; expenditures herefrom to be subject to the provisions of Chapter 220, Laws of 1945)

FOR THE DEPARTMENT OF FISHERIES:

Department of Fisheries.

Construction of Fish Rearing Station at Simpson State Salmon Hatchery	\$30,623.00
(Being the reappropriation of the unexpended balance of allotments made for like purposes from the appropriation by Chapter 287, Laws of 1947)	
Capital Outlays, Major Repairs and Betterments.....	\$7,140.00
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by Chapter 286, Laws of 1947)	

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Department of Public Institutions.

Interior Painting and Alterations, Rewiring and Power Plant Alterations	\$15,035.61
Painting, Alterations and Repairs in the Temple of Justice.....	16,346.99
Total	\$31,382.60
(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by Chapter 287, Laws of 1947)	

FOR THE WASHINGTON STATE PATROL:

Washington State Patrol.

Patrol Headquarters and Vehicle Safety Inspection Testing Lanes at Spokane, Seattle and Tacoma	\$111,500.00
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by Chapter 286, Laws of 1947)	

Washington
State
Patrol.

FROM THE HIGHWAY SAFETY FUND.

Capital Outlays, Major Repairs
and Betterments \$97,579.36
(Being the reappropriation of
the unexpended balance of
appropriation made for like
purposes by Chapter 287,
Laws of 1947)

FROM THE MOTOR VEHICLE FUND.

Vehicle
Safety
Inspection.

Vehicle Safety Inspection:
Capital Outlays, Major Repairs
and Maintenance..... \$51,228.24
(Being the reappropriation of
the unexpended balance of
appropriation made for like
purposes by Chapter 287,
Laws of 1947)

FROM THE GENERAL FUND.

Department
of Public
Institutions.

FOR THE DEPARTMENT OF PUBLIC IN-
STITUTIONS:

Eastern
State
Hospital.

Eastern State Hospital:
Capital Outlays, Major Repairs
and Betterments \$21,872.75

Northern
State
Hospital.

Northern State Hospital:
Capital Outlays, Major Repairs
and Betterments 30,028.29

Rainier
State
School.

Rainier State School:
Capital Outlays, Major Repairs
and Betterments 32,046.67

State Sol-
diers' Home
and Colony.

State Soldiers' Home and Colony:
Capital Outlays, Major Repairs
and Betterments 38,120.35

Total \$122,068.06

(Being the reappropriation of
the unexpended balance of
appropriation made for like
purposes by Chapter 286,
Laws of 1947)

State
School for
the Blind.

State School for the Blind:
Repairs to Water System, Light-
ing System, Fire Alarm Sys-
tem, Refrigeration Plant and
for Sewer Connections..... \$6,662.37

State School for the Deaf:		State School for the Deaf.
Construction of Two New Dormitory Buildings, Installations of Fire Escape in Girls' Dormitory, Purchase of Furniture and Equipment for the Two New Dormitory Buildings, Purchase of Laundry Equipment and for Sewer Connections	\$465,374.47	
Eastern State Hospital:		Eastern State Hospital.
Construction of Three New Cottages; Addition to Power House; Engineering Services; and the Purchase and Installation of Equipment and Facilities for Power House....	283,671.62	
Partial Construction of New Ward Building	589,974.38	
State School for Girls:		State School for Girls.
Construction of New Cottages and Repairs to Heating and Water Systems	14,913.02	
Lakeland Village:		Lakeland Village.
Construction of New Creamery; Three Cottages; Poultry House; Addition to Power House and Installation of Boilers and Stoker and for the Purchase of Laundry Equipment and New Bake Ovens	143,981.66	
Northern State Hospital:		Northern State Hospital.
Enlarging of Kitchen; Cold Storage and Dining Room Facilities	93,758.52	
Construction of Housing Facilities for Employees.....	24,228.08	
Construction of Filtering Plant for Water System, including Engineering Fees	50,000.00	
Washington State Penitentiary:		Washington State Peni- tentiary.
Major Repairs to Roofs, Steam Distribution System, Water Supply System, Residential Facilities and for Sewer Connections	42,984.21	

Rainier
State School.

Rainier State School:

Construction of Four Ward Buildings; to provide Inspection during Construction and for Extension of Steam, Power and Water Services, Power Plant Facilities, Sewage Disposal System and the Purchase of Equipment and Furnishings for the Kitchen, Ward and Dormitories	\$292,089.23
Construction of Housing Facilities for Employees	10,974.39
Purchase and Erection of Two Prefabricated Steel and Aluminum Dairy Buildings and Remodel Existing Dairy Building	21,007.89

Washington
State Re-
formatory.

Washington State Reformatory:

Construction and Equipment of New Laundry Building, Farm Shed and Water Supply.	37,609.73
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State Sol-
diers' Home
and Colony.

State Soldiers' Home and Colony:

Construction of New Kitchen and Dining Hall.	21,434.64
Installation of Elevator and Construction of Fire Escapes in the Hospital Building.	15,000.00

State
Training
School.

State Training School:

Construction of New Dormitory Buildings, Rebuild Sewer System, Renovation of the Refrigeration Plant, Renew Boiler, Stoker and Power Plant Facilities and Renew Steam Lines	127,338.91
Purchase of Furniture and Equipment for the New Dormitory Building	10,000.00

Washington
Veterans'
Home.

Washington Veterans' Home:

Construction of Laundry Building, Installation of Acoustical Tile in Dining Room, Kitchen, Auditorium and Offices and Furnishing Interior of a Room to be used as a Chapel.	2,487.28
Purchase of Laundry Equipment for New Laundry Building	2,045.53

Western State Hospital:

Western
State
Hospital.

Partial Construction of New Ward Building	\$466,428.40	
Construction of Research and Laboratory Building	236,228.78	
Architects' Fees in Preparing Plans and Specifications for New Ward Building.....	25,172.72	
Construction of Housing Facili- ties for Employees.....	29,018.63	
Total	<u> </u>	\$3,012,384.46

(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by Chapter 287, Laws of 1947.)

FOR THE UNIVERSITY OF WASHINGTON:

University
of Wash-
ington.

Permanent Classroom and Admin- istration Facilities		\$225,000.00
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(Being the reappropriation of the unexpended balance of appropriation made for the purpose by Chapter 286, Laws of 1947.)

Construction of Health Sciences Building		\$1,000,000.00
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(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by Chapter 287, Laws of 1947.)

FOR THE STATE COLLEGE OF WASH-
INGTON:

State
College of
Washington.

Construction of New Library Building	\$1,273,692.04	
Completing Construction of C. C. Todd Hall Classroom Building..	265,569.26	
Total	<u> </u>	\$1,539,261.30

(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by Chapter 287, Laws of 1947.)

Western Washington College of Education.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:

Capital Outlays, Major Repairs and Betterments		\$119,176.22
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by Chapter 286, Laws of 1947.)		
Construction of Arts Building...	\$367,000.00	
Construction of Auditorium Building	482,446.12	
Total	<hr/>	\$849,446.12
(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by Chapter 287, Laws of 1947.)		

Judgments.
Edna Basden.

FOR JUDGMENTS:

EDNA BASDEN, for payment of judgment for costs in re State of Washington vs. Edna Basden alias Jean Basden, Yakima County Superior Court No. 7501, Supreme Court No. 30490.....		\$306.62
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William P. Berard.

WILLIAM P. BERARD, Administrator of the Estate of Maud C. Berard, judgment for costs: State of Washington vs. William P. Berard, Administrator, King County No. 207184		\$64.10
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Sydney Brunn.

SYDNEY BRUNN, judgment for court costs, State vs. Brunn, King County No. 22950		\$134.70
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Clarence E. Kast.

CLARENCE E. KAST, judgment for court costs, State vs. Mills and Kast, King County No. 23678..		\$276.45
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Vetoed. {

MARYLAND CASUALTY COMPANY, assignee of G. R. Kirk, in settlement of judgment, Mason County Superior Court No. 4622.....		\$1,241.98
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Clarence E. Mills.

CLARENCE E. MILLS, judgment for court costs, State vs. Mills and Kast, King County No. 23678...		\$96.13
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Pacific National Bank.

PACIFIC NATIONAL BANK, Executor of the Estate of Winifred Q. Madden, judgment, King County Superior Court No. 86134.....		\$4,331.53
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V. F. PAVEY and SARAH R. PAVEY, judgment for refund of purchase price of certain shorelands to which the State of Washington did not have title, Thurston County No. 22868.....	\$406.57	V. F. and Sarah R. Pavey.
FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:		Relief.
THE STATE TAX COMMISSION: Inheritance Tax due from heirs of the following estates, on account of refund of estates escheated to the Permanent School Fund:		State Tax Commission.
ESTATE OF JOHN HALVORSON..	\$138.38	Estates of John Halverson, W. H. Bolton, and M. Hartman.
ESTATE OF WILLIAM HENRY BOLTON	\$158.83	
ESTATE OF MICHAEL HARTMAN	\$5,769.97	
HENRY W. PARROTT, Administrator of the Estate of Michael Hartman, deceased, for refund of monies escheated to the Permanent School Fund by decree June 4, 1945, Cause No. 85277 King County; Decree of Escheat set aside January 4, 1949.....	\$35,512.95	Henry W. Parrott.
ARTHUR RAY WEBB, Executor of the Estate of William F. Webb, deceased, for refund of unclaimed bank dividends escheated to the Permanent School Fund.....	\$18.49	Arthur Ray Webb.
ROBERT HOWARD BOLTON, KATHLEEN HOWARD BOLTON and ORMSBY MALONEY, for refund of assets of Estate of William Henry Bolton escheated to the Permanent School Fund by decree dated January 9, 1946. Order setting aside above decree dated January 4, 1949.....	\$2,675.48	Robert Howard Boldon, Kathleen Howard Bolton and Ormsby Maloney.
THE MINISTER OF FINLAND, for the heirs of Chris Mackey, deceased; for refund of cash assets of deceased escheated to the Permanent School Fund.....	\$379.48	Minister of Finland.

John W. Maloney.	JOHN W. MALONEY, for architectural services rendered the Department of Finance, Budget and Business in the 1943-45 Biennium	\$25,133.40
Reconstruction Finance Corporation.	RECONSTRUCTION FINANCE CORPORATION, for over-payment of meat subsidy on slaughtering at public institutions	\$836.92
F. M. Reischling.	F. M. REISCHLING, Administrator, for the Estate of Sam Katz, for refund of monies escheated to the Permanent School Fund, including interest	\$3,702.66
Hans J. Halvorson, Josephine Hilliard and Carrie Barnett.	HANS J. HALVORSON, JOSEPHINE HILLIARD and CARRIE BARNETT, for refund of cash assets escheated to the Permanent School Fund	\$2,759.32
Treasurer of Walla Walla County.	TREASURER OF WALLA WALLA COUNTY, for distribution of funds received from the Federal Government on account of lands leased for flood control purposes	\$1,577.38
Fenton Radford.	FENTON RADFORD, for damages and other expenses incident to cancellation of purchase order No. 479972, issued by Supervisor of Purchasing.....	\$330.00
Harry H. Kretzler, M.D.	HARRY H. KRETZLER, M. D., for medical services rendered Kenneth Maloney while on active duty with Washington National Guard	\$12.00
Robert W. Florence, M.D.	ROBERT W. FLORENCE, M. D., for medical services rendered Jack J. Schwartz while on active duty with Washington National Guard	\$50.00
James M. Templeman.	JAMES M. TEMPLEMAN, reimbursement for medicine and hospital expense due to injuries received while on duty with Washington National Guard	\$31.00
Sacred Heart Hospital.	SACRED HEART HOSPITAL, hospitalization for Richard Halvorson while on active duty with Washington National Guard.....	\$51.20

HUGH H. BLACKSTONE, for repairs to automobile damaged in collision with a light tank operated by Washington National Guard	\$321.14	Hugh H. Blackstone.
STANLEY D. GOLUB, Executor of the Estate of Simon Golub, deceased, for refund of over-payment of gift taxes.....	\$38.00	Stanley D. Golub.
DARYL D. SHELPS, compensation for personal injuries while on active duty with Washington National Guard	\$450.00	Daryl D. Shelp.
PARAGON MINING COMPANY, refund of over-payment of corporation license fees	\$80.00	Paragon Mining Company.
SILVER-GOLD LODE MINING COMPANY, refund of over-payment of corporation license fees....	\$30.00	Silver-Gold Lode Mining Company.
METALINE AND PINE CREEK CONSOLIDATED MINING COMPANY, refund of over-payment of corporation license fees	\$80.00	Metaline and Pine Creek Consolidated Mining Company.
CASTLE MINING COMPANY, refund of over-payment of corporation license fees	\$80.00	Castle Mining Company.
CUDDY MOUNTAIN MINING COMPANY, refund of over-payment of corporation license fees.....	\$55.00	Cuddy Mountain Mining Company.
CANYON LODE MINING COMPANY, refund of over-payment of corporation license fees.....	\$67.50	Canyon Lode Mining Company.
STANDARD SILVER-LEAD MINING COMPANY, refund of over-payment of corporation license fees	\$342.50	Standard Silver-Lead Mining Company.
REINHARDT BEISEL, indemnity for loss of heifer due to erroneous condemnation for Bang's Disease by State Department of Agriculture	\$223.00	Reinhardt Beisel.
FRED LASATER, Executor of the Estate of Nell Lasater, deceased, for refund of over-payment of Inheritance Tax	\$430.96	Fred Lasater.
FLORENCE MARRON, Executrix of the Estate of Otto J. Bauman, deceased, for refund of over-payment of Inheritance Tax...	\$31.55	Florence Marron.

Maud Langley.	MAUD LANGLEY, Executrix of the Estate of Wallace Langley, deceased for refund of over-payment of Inheritance Tax.....	\$800.00
State Treasurer.	STATE TREASURER, for state matching contribution to Judges' Retirement Fund, applicable to previous biennium	\$9.03
Richard O. Nolan.	RICHARD O. NOLAN, for refund of fee paid for insurance agent's license which was not used...	\$10.00
Walter Rupp.	WALTER RUPP, for refund of deposit on re-lease application covering land sold by state to Federal Government	\$30.80
F. I. Sprague.	F. I. SPRAGUE, for refund of advance payment of rental on state-owned land subsequently sold	\$18.75
School District No. 12, Snohomish County.	SCHOOL DISTRICT No. 112, SNOHOMISH COUNTY, for the purpose of rebuilding the Sultan Union High School, which was destroyed by fire: <i>Provided</i> , That expenditures herefrom may be made only on state vouchers submitted to the State Auditor, accompanied by affidavit by the school board of the district and by the supervising architect or engineer certifying that the materials or services being paid for have been furnished or rendered	\$100,000.00
H. Earl Clack Company.	H. EARL CLACK COMPANY, refund of over-payment of fuel oil tax	\$16.04
Richfield Oil Corporation.	RICHFIELD OIL CORPORATION, refund of over-payment of fuel oil tax	\$261.56
Union Oil Company of California.	UNION OIL COMPANY OF CALIFORNIA, refund of over-payment of fuel oil tax.....	\$1,728.21
Sacred Heart Hospital of Spokane.	SACRED HEART HOSPITAL OF SPOKANE, for additional costs incident to rendering hospital care to old age and general assistance cases placed in hospitals by the Department of Public Welfare between August 1, 1947, and January 1, 1949.....	\$41,637.00
Department of Public Welfare.		

DEACONESS HOSPITAL OF SPOKANE, for additional costs incident to rendering hospital care to old age and general assistance cases placed in hospitals by the De- partment of Public Welfare be- tween August 1, 1947, and Jan- uary 1, 1949.....	\$14,041.84	Deaconess Hospital of Spokane.
ST. LUKE'S HOSPITAL OF SPOKANE, for additional costs incident to rendering hospital care to old age and general assistance cases placed in hospitals by the De- partment of Public Welfare be- tween August 1, 1947, and Jan- uary 1, 1949.....	\$22,809.53	St. Luke's Hospital of Spokane.
FROM THE ACCIDENT FUND.		
ALBERT ZIMPRICK, compensation for injury received while en- gaged in extra-hazardous em- ployment	\$4,000.00	} Vetood.
FROM THE EASTERN COLLEGE FUND.		
TREASURER, CITY OF CHENEY, charge for sewer service, October 1, 1947, to March 31, 1949.....	\$5,351.50	Treasurer, City of Cheney.
FROM THE MOTOR VEHICLE FUND.		
ALBERT M. SAGER and SOPHIE S. SAGER, for damages from col- lapse of building owned by the State Highway Department....	\$100.00	Albert M. Sager and Sophie S. Sager.
C. C. BARTHOLOMEW, refund of overpayment of motor vehicle license fee	\$101.00	C. C. Bar- tholomew.
BEKINS MOVING AND STORAGE COM- PANY, refund of intransit permit fees paid in error.....	\$20.00	Bekins Mov- ing and Storage Company.
HOMER BERGES, refund of over-pay- ment of motor vehicle license fee	\$10.10	Homer Berges.
MRS. GEORGE BLACK, refund of over-payment of motor vehicle license fee	\$5.25	Mrs. George Black.
ROBERT H. BRADLEY, refund of over- payment of motor vehicle capa- city fees	\$39.00	Robert H. Bradley.
C. AND H. TRANSPORTATION, refund of motor vehicle title and li- cense fees paid in error.....	\$32.50	C. and H. Transporta- tion.

Convoy Company.	CONVOY COMPANY, refund of over-payment of motor vehicle capacity fee	\$48.00
Cummings Boat Company.	CUMMINGS BOAT COMPANY, refund of over-payment of motor vehicle capacity fees.....	\$2.00
Dealers Transport Company.	DEALERS TRANSPORT COMPANY, refund of in-transit fees paid in error	\$10.00
Donald C. Eayrs.	DONALD C. EAYRS, refund of over-payment of motor vehicle capacity fees	\$43.00
Arthur A. Kaul.	ARTHUR A. KAUL, refund of over-payment of motor vehicle capacity fees	\$5.00
W. H. Lindberg and Company.	W. H. LINDBERG AND COMPANY, refund of motor vehicle license fees paid in error.....	\$189.00
Lyon Van Lines, Inc.	LYON VAN LINES, INC., refund of motor vehicle license fees paid in error	\$56.00
Mount Vernon Transfer Company.	MOUNT VERNON TRANSFER COMPANY, refund of over-payment of motor vehicle capacity fees..	\$100.00
Northwest Grocery Company.	NORTHWEST GROCERY COMPANY, refund of over-payment of motor vehicle capacity fees....	\$96.00
Euland Partain.	EULAND PARTAIN, refund of over-payment of motor vehicle license fees	\$7.50
Savage Lumber and Manufacturing Company.	SAVAGE LUMBER AND MANUFACTURING COMPANY, refund of over-payment of motor vehicle capacity fees	\$62.00
Standard Finance Company.	STANDARD FINANCE COMPANY, for loss sustained on account of erroneous issuance of certificate of title	\$109.40
Stateside Construction Company.	STATESIDE CONSTRUCTION COMPANY, refund of over-payment of motor vehicle capacity fees..	\$30.00
Sam H. Warren.	SAM H. WARREN, refund of over-payment of motor vehicle capacity fees	\$62.00
Farmers Insurance Group.	FARMERS INSURANCE GROUP, for damages to automobile while being tested at Spokane testing lane	\$20.37

FRANK G. BORST, refund of over- payment of motor license fees	\$38.00	Frank G. Borst.
HENRY C. STADT, refund of over- payment of motor vehicle li- cense fees	\$5.00	Henry C. Stadt.

FROM THE MOTOR VEHICLE EXCISE FUND.

FOR REFUND OF OVER-PAYMENT OF MOTOR VEHICLE EXCISE TAX TO THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:		For refund of over- payment of Motor Ve- hicle Excise Tax to the following individuals, firms and corpora- tions.
O. V. ARMSTRONG.....	\$20.00	
C. AND H. TRANSPORTATION.....	8.25	
CONSOLIDATED FREIGHTWAYS, INC..	120.15	
CUMMINGS BOAT COMPANY.....	10.00	
ETHERIDGE AND PEARNE MILL COM- PANY	20.00	
EVERETT AMBULANCE SERVICE.....	16.65	
MRS. FRED W. FRANKLIN.....	10.00	
MARTIN JASTAD	20.00	
ROBERT B. KIENHOLZ.....	4.00	
FLOYD L. LANGDON.....	2.00	
W. H. LINDBERG COMPANY.....	270.00	
GEORGE W. MYERS.....	1.75	
HAZEL E. THOMPSON.....	21.50	
AERO MAYFLOWER TRANSIT COM- PANY	5,738.18	
STUART DOUGLAS	8.75	
C. J. JOHNSON.....	4.50	
C. C. KING.....	8.50	
STEPHEN C. PHIPPS.....	3.25	
ADOLPH L. RANK.....	5.00	
ROBERT D. STARCH.....	8.25	
CONSOLIDATED BEVERAGES, INC.....	19.00	
ELIZABETH RUTH JOHNSON.....	14.60	
HOWARD ANGELL, JR.....	1.75	
WILLIAM HETZELL.....	5.90	
VERLYN K. SHADSEN.....	5.05	
STANLEY E. and ELEANOR WALKER	2.50	
HORACIO HINOJOSA	9.90	
JOHN N. BACK.....	3.00	
Total	\$6,362.43	

FROM THE GENERAL FUND.

For the Department of Conservation and Development.	FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT: Division of Progress and Industry Development: To carry out the provisions of Chapter 173, Laws of 1945: Salaries, Wages, Operations and Research	\$275,000.00
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FROM THE GAME FUND.

For the Department of Game.	FOR THE DEPARTMENT OF GAME: Payment of Claims arising out of Property Damages caused by Deer and Elk.....	\$50,000.00
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FROM THE WASHINGTON STATE DEVELOPMENT FUND.

For transfer to the General Fund.	FOR TRANSFER TO THE GENERAL FUND UPON WRITTEN APPROVAL OF THE GOVERNOR	\$1,621,550.20
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FROM THE GENERAL FUND.

For the Lieutenant Governor.	FOR THE LIEUTENANT GOVERNOR: Deficiency, Salaries, Wages and Operations	\$938.11
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For Legislative Expense.	FOR LEGISLATIVE EXPENSE: For the purpose of paying the expenses of the Thirty-first Legislature of the State of Washington	\$50,000.00
Vetoed.	Deficiency, Payrolls, Travel Expense, Printing and Supplies incurred, in excess of the 1947-1949 appropriation for Legislative Expense	\$2,488.35

For the Commissioner of Public Lands.	FOR THE COMMISSIONER OF PUBLIC LANDS: Deficiency, Operations, for the purpose of paying amounts already covered by outstanding contracts in connection with the platting of State Lands for Veterans and providing electrical service thereto	\$15,158.33
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For the Department of Health.	FOR THE DEPARTMENT OF HEALTH: To be allotted and paid quarterly to the King and Pierce County Hospitals on vouchers approved by the Department of Social Security in the event State and
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Federal relief grant payments for hospital services for the preceding quarter have fallen below the minimum needed for operation and maintenance of said hospitals	\$400,000.00	
FOR THE STATE COLLEGE OF WASHINGTON:		For the State College of Washington.
Dry Land Branch Station, Lind: Reconstruction and Equipment of Building destroyed by fire	\$46,850.00	
FOR DEFICIENCIES:		For Deficiencies.
For various State Departments, institutions and Offices for payment to sundry individuals, firms and corporations for supplies and services furnished or rendered in the previous biennium and for which duly approved vouchers have been submitted.		
FOR THE COMMISSIONER OF PUBLIC LANDS	\$93.47	
FOR THE DEPARTMENT OF AGRICULTURE	870.93	
FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT.	206.93	
FOR THE DEPARTMENT OF FISHERIES.	137.58	
FOR THE DEPARTMENT OF HEALTH.	2,401.57	
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	785.47	
FOR THE DEPARTMENT OF LICENSES.	84.92	
FOR THE MILITARY DEPARTMENT.	34.00	
FOR THE STATE BOARD OF PHARMACY	283.90	
FOT THE POLLUTION CONTROL COMMISSION	18.97	
FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		For the Department of Public Institutions.
General Office	38.60	
Capitol Buildings and Grounds.	18.85	
State School for the Blind.	6.64	
Eastern State Hospital.	50.73	
Food Processing Plants.	29.55	
Washington State Penitentiary.	37.37	
Rainier State School.	146.02	
State Training School.	592.27	
Western State Hospital.	34.90	

	FOR THE STATE TAX COMMISSION....	\$14.20
	FOR THE UNIFORM LAW COMMISSION	37.63
	FOR THE LEGISLATIVE INTERIM COMMITTEE ON JUVENILE DELINQUENCY	148.45
	FOR THE DEPARTMENT OF SOCIAL SECURITY	138,363.51
	FOR THE ACCOUNTING REVISION COMMITTEE	77.11
	FOR THE DEPARTMENT OF HEALTH...	178.40
For the Military Department.	FOR THE MILITARY DEPARTMENT: Uniform allowances to enlisted personnel of Washington National Guard, in accordance with Section 37, Military Code of Washington	29,900.00
	FOR LEGISLATIVE EXPENSE: Printing, Binding, etc., of House Journal and Public Documents, Thirtieth Legislative Session...	1,405.07
For Legislative Expense.	Printing, Binding, etc., of Senate Public Documents, Thirtieth Legislative Session	4,855.06
	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES	290.74
For Association of Superior Court Judges.	FROM THE PARKS AND PARKWAY FUND.	
	FOR THE STATE PARKS AND RECREATION COMMISSION	21,614.13
Don L. Cooney.	FOR PAYMENT TO DON L. COONEY, in full settlement for additional work on construction of water system at Palouse Falls State Park.....	4,000.00
	FROM THE MOTOR VEHICLE FUND.	
Washington State Patrol.	FOR THE WASHINGTON STATE PATROL.	33.09
	FOR THE DEPARTMENT OF HIGHWAYS..	5,510.69
	FROM THE HIGHWAY SAFETY FUND.	
Washington State Patrol.	FOR THE WASHINGTON STATE PATROL.	1,450.84
	FROM THE HIGHWAY EQUIPMENT FUND.	
Department of Highways.	FOR THE DEPARTMENT OF HIGHWAYS..	501.12
	FROM THE GRAIN AND HAY INSPECTION FUND.	
Department of Agriculture.	FOR THE DEPARTMENT OF AGRICULTURE	155.38
	FROM THE GAME FUND.	
Department of Game.	FOR THE DEPARTMENT OF GAME....	528.43

FROM THE PUBLIC UTILITIES REVOLVING FUND.		
FOR THE DEPARTMENT OF PUBLIC UTILITIES	\$3.46	Department of Public Utilities.
FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.		
FOR THE STATE BOARD FOR VOCATIONAL EDUCATION	646.71	State Board for Vocational Education.
FROM THE CURRENT SCHOOL FUND.		
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	210.48	Superintendent of Public Instruction.
FROM THE TRANSPORTATION REVOLVING FUND.		
FOR THE DEPARTMENT OF TRANSPORTATION	9.00	Department of Transportation.
FROM THE COMMISSION MERCHANTS' FUND.		
FOR THE DEPARTMENT OF AGRICULTURE	86.80	Department of Agriculture.
FROM THE FEED AND FERTILIZER FUND.		
FOR THE DEPARTMENT OF AGRICULTURE	1.54	Department of Agriculture.
FROM THE PENITENTIARY REVOLVING FUND.		
FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		Department of Public Institutions.
Washington State Penitentiary....	12.42	
FROM THE REFORMATORY REVOLVING FUND.		
FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		
Washington State Reformatory...	1,289.55	
Total Deficiencies	—————	\$217,196.48

SEC. 3. 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. Emergency.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 22, 1949, with the exception of certain items which are vetoed.

AUTHENTICATION

I, Earl Coe, 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 Thirty-First Legislative Session of the State of Washington, held from January 10, 1949, until March 10, 1949, 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 9th day of June, 1949.



EARL COE,

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 RESOLUTION NO. 9.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in Legislative Session assembled:

THAT, At the next general election in this state, whether regularly or specially called, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Section 33 of Article II of the Constitution of the State of Washington to read as follows:

Section 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: *Provided*, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: *And provided further*, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published 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 March 8, 1949.

Passed the House March 4, 1949.

SENATE JOINT RESOLUTION NO. 12.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in Legislative Session assembled:

WHEREAS, The Washington State Federation of Garden Clubs, wishing to cooperate with other State Federations of Garden Clubs, in the Blue Star Memorial Program sponsored by the National Council of State Garden Clubs, is desirous of recognizing and commemorating the splendid services and achievements of the sons and daughters of the State of Washington who served in the Armed Forces of the United States in the Second World War; and

WHEREAS, It is fitting and proper that legislative recognition be accorded the services and sacrifices of citizens so valiantly rendered;

Now Therefore Be It Resolved, That Primary State Highway No. 1, a portion of U. S. Highway No. 99, be and it is hereby designated as the Blue Star Highway as a memorial in commemoration of the services of the men and women of the State of Washington who served in the Armed Forces of the United States in World War II.

And Be It Further Resolved, That the Director of Highways of the State of Washington shall cause to be erected along said highway suitable tablets to commemorate the services and achievements herein memorialized.

Passed the Senate February 21, 1949.

Passed the House March 4, 1949.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable Harry S. Truman, President of the United States, and to the 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, respectfully represent and petition as follows:

WHEREAS, The Corps of Engineers, Department of the Army, has recommended the construction of a series of four locks and dams to provide slack water navigation from the mouth of the Snake River to Lewiston, Idaho; and

WHEREAS, The sites where said dams are to be located are named respectively: Ice Harbor Dam at mile 10.2 above the mouth of the Snake River; Lower Monumental Dam at mile 44.7; Little Goose Dam at mile 72.2; and Lower Granite Dam at mile 113.1; and

WHEREAS, Said dams will be enduring structures contributing to the welfare and security of the people of the United States; and

WHEREAS, The names of certain nationally respected early explorers and missionaries are indelibly linked with the history of the development of the Snake River;

Now, Therefore, Be It Resolved, That your Memorialists pray the Congress of the United States of America to enact legislation establishing the names of said four Snake River dams, respectively, as follows: Whitman Dam at mile 10.2, honoring the work and memory of Dr. Marcus Whitman; Lewis Dam at mile 44.7, honoring the work and memory of Captain Merriwether Lewis; Clark Dam at mile 72.2, honoring the work and memory of Captain William Clark; and Spalding Dam at mile 113.1, honoring the work and memory of Reverend Henry Harmon Spalding; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and each member of the Washington Congressional delegation.

Passed the Senate January 26, 1949.

Passed the House February 9, 1949.

SENATE JOINT MEMORIAL NO. 7.

To the Honorable Harry S. Truman, President of the United States, and to the 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, respectfully represent and petition as follows:

WHEREAS, The United States by and through the Army Engineers some years ago constructed a jetty on the west side of Point Chehalis in Grays Harbor, a port on the Pacific Ocean; and

WHEREAS, The construction of said jetty has caused a change in the current of the waters of the harbor resulting in rapid and destructive erosion of a portion of Point Chehalis, which, if continued at the present rate, will destroy that portion in a few years; and

WHEREAS, In the neighborhood of thirty-six thousand of fishing craft anchor within the harbor in the protection of Point Chehalis, which location is their most convenient and safest anchorage under present conditions, but which will be lost if Point Chehalis is destroyed; and

WHEREAS, The installations on Point Chehalis by way of light house and coast guard signal station represent an investment of about one hundred thousand dollars on the part of the United States government and the installations of private enterprise thereon represent an eighteen million dollar industry, all of which will be destroyed with the destruction of Chehalis Point; and

WHEREAS, Plans for the stabilization of Point Chehalis have heretofore been approved by the Army Engineers and by the Congress but no appropriation has been made for the construction of said project.

Now, Therefore, Be It Resolved, That your Memorialists earnestly petition the President and the Congress of the United States to appropriate sufficient funds for the immediate construction of such works as will stabilize Point Chehalis in Grays Harbor, State of Washington, and prevent its destruction to the

detriment and damage of the United States and its installations for commerce and the national defense and to the distress of its citizens residing in the State of Washington; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable, the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, to each member of the Washington Congressional delegation and to the Chief of the Army Engineers, United States Army.

Passed the Senate February 10, 1949.

Passed the House March 4, 1949.

SENATE JOINT MEMORIAL NO. 9.

To the Honorable Harry S. Truman, President of the United States, and to the 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, respectfully represent and petition as follows:

WHEREAS, In establishing the Hanford Engineering Works of the Atomic Energy Commission during the recent war, it was necessary to include within the boundary of said Works a portion of Secondary State Highway No. 11-A, which connected the Yakima area directly with the Central Washington area to the east. The present operation of the Atomic Energy Commission in this area has resulted in the continuance of a restriction forbidding travel over the present location of said highway, making it necessary to relocate the same at another location;

WHEREAS, For the purpose of replacing at a new location the said highway facility, the State of Washington has made a complete survey of a new route westerly and northerly of said works involving some 52.3 miles of highway relocation. By reason of topography, controlling grades and other essential features, it has been necessary to traverse certain restricted areas on the westerly and northerly sides of the actual operating area. Further modification of said relocation to eliminate

hazards resulting from atomic plant operations can be made if definite limitations can be determined and made available to the state;

WHEREAS, The re-establishment and construction of said Secondary State Highway No. 11-A on the newly surveyed route is essential to the transportation system and the economy of the State of Washington;

Now, Therefore, Your Memorialists hereby respectfully petition and memorialize the President and the Congress of the United States to take such action as necessary to permit the establishment of said highway through the restricted area adjacent to and westerly and northerly of the atomic plant operations as may be consistent with the accommodation of traffic thereon without undue hazard thereto.

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable, the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, to each member of the Washington Congressional delegation, and to the Atomic Energy Commission.

Passed the Senate February 26, 1949.

Passed the House March 4, 1949.

HOUSE JOINT RESOLUTION NO. 10.

Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in Legislative Session assembled:

THAT, At the next general election to be held in this state, whether regularly or specially called, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to section 6, Article VIII of the Constitution of the State of Washington to read as follows:

Section 6. Limitations Upon Municipal Indebtedness—No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable

property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: *Provided, further*, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality; and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five per centum (5%) additional for capital outlays.

Adopted by the House March 3, 1949.

Adopted by the Senate March 7, 1949.

HOUSE CONCURRENT RESOLUTION NO. 5.

Be It Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the Thirtieth Legislature be adopted as the permanent Joint Rules of the Thirty-first Legislature with the following amendments:

That Rule 5 be amended to read as follows:

Rule 5. The presiding officer of each house shall appoint a committee of three members, selecting them so as to represent, in each case, the attitude of the majority and minority upon the subject of the legislation referred to the conference committee.

That Rule 8 be amended to read as follows:

Rule 8. The report of a free conference committee must be unanimously agreed to, and the original and two copies must be

signed personally by all members of the committee: *Provided, however,* That in the event the members of a free conference committee cannot unanimously agree on the bill or measure referred to the committee, a majority of the committee may report that the committee cannot agree, and request the appointment of another committee.

That Rule 15 be amended by adding thereto the following:

Provided, however, That concurrent resolutions authorizing investigations, and authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal, the same as for bills and memorials.

That Rule 17 be amended to read as follows:

Rule 17. Senate bills in the House and House bills in the Senate, in possession of the rules committees, shall be selected for the calendars of both the Senate and House on Wednesday of each week during the session; and to follow the progress of Senate bills in the House and House bills in the Senate, the president of the Senate shall appoint three members of the Senate rules committee and the speaker of the House shall appoint three members of the House rules committee, who will jointly act as an advisory calendar committee in regard to Senate bills in the House and House bills in the Senate; said advisory committee to be appointed not later than the fifteenth day of the session.

That a new rule, to be known as Rule 32, be added to read as follows:

Rule 32. The president and secretary of the Senate and the speaker and chief clerk of the House shall designate an employee of either the House or the Senate to act as supervisor of topical indexing, said supervisor to have charge of the topical indexing of the Legislative Record.

Adopted by the House January 18, 1949.

Adopted by the Senate January 19, 1949.

HOUSE CONCURRENT RESOLUTION NO. 9.

Be It Resolved, By the House, the Senate concurring, in Legislative Session assembled; that

WHEREAS, The Thirtieth Session of the Legislature of the State of Washington appointed and empowered three (3) Senate members and four (4) House members to serve as a committee to investigate, with a similar committee from the State of Oregon and a similar committee from the State of Idaho, the condition of the Columbia River fisheries, and suggest ways and means to prevent the depletion of salmon and steelhead runs and to negotiate with similar committees from the States of Oregon and Idaho to the end that some method for mutual control of Columbia River fisheries should be agreed upon; and

WHEREAS, This Interim Committee of Washington has conducted extensive investigations and has held numerous conferences and has met with other groups having an interest in preserving and protecting the salmon runs in the Columbia River and has submitted its report to this Thirty-first Regular Session of the Legislature; and

WHEREAS, It appears that an Interim Committee on Food Fish and Fisheries should be appointed for the ensuing biennium with power to investigate and inspect all matters relating to production and protection of food fish in all waters of the State of Washington and all waters bordering thereon, and report back to the Thirty-second Regular Session of the Legislature, or to any Extraordinary Session which may convene previous to the convening of the Thirty-second Regular Session, as to its recommendations for protection and production of food fish which constitutes such an important industry of the state whose products have a wholesale value of over twenty-two million five hundred thousand dollars (\$22,500,000) and employing over twenty thousand (20,000) persons; and

WHEREAS, It appears that further negotiations with an interim committee or committees or the proper officials, boards, commissions or departments of the United States government and States of Oregon, Idaho, and the Dominion of Canada or its provinces shall be beneficial to obtain interstate and international cooperation in the production and protection of food fish;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington in Legislative Session assembled:

That the President of the Senate be, and he is hereby empowered and directed to appoint three (3) Senate members and the Speaker of the House of Representatives be, and he hereby is, empowered and directed to appoint four (4) House members to serve as a committee to inspect, investigate and make recommendation to the Thirty-second Session of the Legislature, or to any Extraordinary Session of the Legislature which may be previously convened, as to all matters relating to the production and protection of food fish in all waters within and surrounding the State of Washington;

And Be It Further Resolved, That the committee so appointed be and it is hereby authorized and empowered to negotiate with similar committees and the officers, boards, commissions, departments or other official agencies of the United States government and the States of Oregon, Idaho, and the Dominion of Canada or any of its provinces and the Columbia Valley Authority, when the same is established, and with representative groups of fishermen, sportsmen, packers and distributors of fish to the end that the fishing industry may be improved and enlarged and sound basic protection given to the industry;

And Be It Further Resolved, That the committee so appointed be and it is hereby authorized and empowered to negotiate with similar committees and the proper representatives of the United States government and the States of Oregon and Idaho and the Columbia Valley Authority, when and if such an authority is created, and any other official or non-official group to the end that some method for mutual control of Columbia River fisheries may be agreed upon;

And Be It Further Resolved, That such committee shall select its own chairman and officers and shall have authority to employ such employees and technical assistants as such committee deems proper;

And Be It Further Resolved, That the members so appointed and the employees of the committee shall be entitled to their actual traveling expenses, including lodging and sustenance while absent from their usual place of residence, in the service

of the state, in attendance at meetings of the committee, and for traveling to and from such meetings, the same to be paid upon their individual vouchers, from any sums of money appropriated for the expense of this Thirty-first Session of the Legislature: *Provided*, That the total amount of money expended by this committee for its traveling, lodging, and sustenance expenses in carrying out its duties under this Resolution, shall not exceed the sum of three thousand dollars (\$3,000);

And Be It Further Resolved, That the committee so appointed make a report on their proceedings, including therein recommendations for consideration by the 1951 legislative sessions of the States of Washington, Oregon and Idaho.

Adopted by the House March 10, 1949.

Adopted by the Senate March 10, 1949.

HOUSE CONCURRENT RESOLUTION NO. 15.

Be It Resolved, By the House, the Senate concurring, in Legislative Session assembled:

THAT, There is hereby created an interim bi-partisan committee composed of three (3) members of the Senate, appointed by the President of the Senate, and three (3) members of the House of Representatives, appointed by the Speaker of the House. The said committee shall have the following duties and powers: (a) To investigate the conditions, methods of operation, facilities and buildings of and in the penal institutions, and the various state institutions for the insane, feeble-minded, delinquent and handicapped persons, adult and minor, in this state;

(b) To cause to be conducted under its direction and in conjunction with the Department of Youth Protection and the Youth Protection Commission, if established by law, and with such other departments and agencies as it may select, a comprehensive study and survey of the following matters: (1) Extent and distribution of delinquency and dependency; (2) probation and detention services; (3) institutional and other programs and facilities for care and treatment; (4) personnel standards and

requirements; (5) guidance and diagnostic programs and facilities; (6) coordination and utilization of existing resources such as University, State College, State Departments of Education, Health, Welfare, Forestry and any other appropriate departments of state, county or municipal government; (7) coordination of the various programs in the field of prevention; (8) comparison of present laws and procedures with those of other states; (9) such other related matters as the committee may deem appropriate;

(c) To conduct hearings, administer oaths, take depositions, subpoena witnesses and compel their depositions;

(d) That the activities herein authorized shall be carried out in conjunction with the Legislative Council, who shall check and authorize the vouchers issued by this committee, and said committee shall report concerning their activities at least semi-annually to the Speaker of the House of Representatives, Lieutenant Governor, the Legislative Council as created, and to the Governor.

Said committee may employ such persons as it may deem necessary or proper in the exercise of the authority vested in it and may fix their compensation. All officers, employees, departments and agencies of the state shall make available to the committee all books, papers, documents and information requested by the committee and shall answer all questions pertinent or material to any inquiry, investigation or hearing being conducted by the committee. Members of the committee shall be reimbursed for their traveling, lodging, and subsistence expenses while absent from their usual places of residence in performance of their duties the same as is provided for elective state officers and employees.

The traveling, lodging and subsistence expenses of the members hereof and the necessary clerical and technical assistance shall be paid out of such appropriations as shall be made available for this purpose by the Thirty-first Legislature.

Adopted by the House March 10, 1949.

Adopted by the Senate March 10, 1949.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States, 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 as follows:

WHEREAS, There are certain inequalities in the old age and survivors' insurance law as now enacted especially with relation to married women, and those not fully qualified under the law to receive the benefits though contributions have been made therefor; and

WHEREAS, At present prices the amount of all social security benefits are inadequate;

Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States speedily pass legislation:

(1) To include among the classes within the purview of social security legislation public employees, employees of religious and charitable organizations and all self-employed persons including those in the professions, in commerce, in agriculture and other groups; and to grant to the several states the full option of placing their employees and the employees of their political subdivision under federal old age and survivors' insurance;

(2) To provide that persons over 60 who are severed from their employment before reaching age 65 and would have been eligible at the time of the severance of their employment had they been aged 65, shall upon reaching the age of 65 be eligible to their pension as though the severance had then occurred;

(3) To provide that the pensioners shall be entitled to additional pension for a dependent wife upon her reaching the age of 60, and that widows of persons, who at the time of their death, had they been 65, would have been pensioners, shall be entitled to a widow's pension upon reaching the age of 60;

(4) To provide that no deduction in pensions shall be made for income from other sources including salaries and wages;

(5) To provide for increase in the amount paid in all categories by at least fifty per cent (50%); and

(6) To provide for the refunding to those not eligible to pension all contributions made by them therefor; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to Members of the United States Senate and United States House of Representatives from this state.

Passed the House February 1, 1949.

Passed the Senate February 23, 1949.

HOUSE JOINT MEMORIAL NO. 7.

To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, most respectfully petition as follows:

WHEREAS, the United States of America has acquired, is now acquiring, and plans to acquire large areas of land within the State of Washington, and

WHEREAS, present laws do not enable the various acquiring agencies of the United States of America to pay to public bodies and political subdivisions of the State of Washington compensation for the damages indirectly resulting from such acquisition, and

WHEREAS, large acquisitions of land within the state have reduced the tax base for real property taxes in some areas in the state to such an extent that it is no longer possible for such areas to adequately finance their operations, and

WHEREAS, portions of some irrigation districts are being acquired, with the result that such districts are being reduced in size and being made uneconomic by reason thereof,

Now, Therefore, Be It Resolved, That we, the Senate and House of Representatives of the State of Washington, do hereby respectfully memorialize and petition the President of the

United States and the Congress of the United States to enact and approve at the earliest moment legislation enabling and authorizing acquiring agencies of the United States of America to pay to political subdivisions of the State of Washington and other states in the United States compensation for damages indirectly occasioned by the acquisition of real estate within the boundaries of such local political subdivisions, including authorization for payments in lieu of taxes and payments in lieu of assessments, and authorizing lump sum payments to such political subdivisions in lieu of annual payments, in lieu of taxes or assessments, and

Be It Resolved that copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States and the Secretary of the United States Senate, and the Clerk of the United States House of Representatives, and to each member of the Congress from the State of Washington.

Passed the House January 21, 1949.

Passed the Senate February 16, 1949.

HOUSE JOINT MEMORIAL NO. 11.

To the Honorable Harry S. Truman, President of the United States, and the 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 as follows:

WHEREAS, The coastal highway along the Pacific Ocean in the State of Washington is one of the most important links in our national defense and is yet to be completed; and

WHEREAS, A portion of this highway extends across, through and along the Quinault Indian Reservation; and

WHEREAS, The inclusion of this uncompleted strip is essential not alone for the purposes of national defense, but also for access to a vast undeveloped area and will greatly assist the tourist and vacation travel on the entire Olympic National Park Loop Highway,

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, that we respectfully petition the President and the Congress of the United States and the Bureau of Indian Affairs to make the necessary funds available and to expressly authorize and direct the completion of this highway across the Indian lands aforesaid from sources other than tribal funds; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, President of the United States Senate, the Speaker of the House of Representatives, to each Senator and Representative from the State of Washington and to the Bureau of Indian Affairs.

Passed the House March 1, 1949.

Passed the Senate March 7, 1949.

HOUSE JOINT MEMORIAL NO. 13.

To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, respectfully represent and petition as follows:

WHEREAS, The preservation of international peace is essential to the welfare of the people of our state and to the welfare of all people; and

WHEREAS, Recurrent differences among nations now make the outbreak of major war an ever-present danger; and

WHEREAS, The United States of America and other nations are even now engaged in a so-called "cold war" and in an increasing race for armaments, despite the efforts of the United Nations as now constituted to make and preserve peace in the world; and

WHEREAS, The growing deadliness of atomic weapons, bacteriological weapons and other methods of mass destruction makes action imperative to prevent a Third World War,

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, that we respectfully petition the President and the Congress of the United States to take all possible steps to strengthen the present form of the United Nations so that it shall possess the means and legal authority to preserve world peace, including the following instrumentalities:

(1) A United Nations Legislature empowered to enact laws providing for progressive disarmament of all nations and prohibiting the manufacture or possession of forbidden armaments or conspiracy to arm and wage war;

(2) A United Nations Inspection Force with authority to make investigations in all nations to prevent the manufacture or possession of forbidden armaments, and authority to arrest individuals found violating United Nations laws;

(3) A system of United Nations Courts to try and to sentence individuals convicted of such law violations;

(4) A United Nations Police Force to enforce decisions of the United Nations Courts and of the United Nations Legislature; and

Be It Further Resolved, That the President of the United States should begin negotiations promptly to invite other member nations of the United Nations to meet in an Assembly to revise the United Nations Charter in whatever manner necessary to provide the United Nations with the foregoing instrumentalities; and

Be It Further Resolved, That copies of this Memorial be transmitted immediately to the Honorable Harry S. Truman, President of the United States, the President of the United States Senate, Speaker of the House of Representatives, and to each Senator and Representative from the State of Washington.

Passed the House February 19, 1949.

Passed the Senate March 7, 1949.

HOUSE JOINT MEMORIAL NO. 15.

To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, respectfully represent and petition as follows:

WHEREAS, The Olympic National Park is a large and well-known park owned and operated by the United States of America and situated within the State of Washington; and

WHEREAS, Other parks and monuments of the United States have been recognized by having commemorative postage stamps issued; and

WHEREAS, The Olympic National Park has not been so recognized;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, that we respectfully petition the President and the Congress of the United States that the Postmaster General issue suitable commemorative postage stamps recognizing and honoring the Olympic National Park; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, the President of the United States Senate, Speaker of the House of Representatives, and to each Senator and Representative from the State of Washington.

Passed the House February 14, 1949.

Passed the Senate March 5, 1949.

HOUSE JOINT MEMORIAL NO. 22.

To the Honorable Harry S. Truman, President of the United States, and the 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 assem-

bled most respectfully represent and petition Your Excellency and Honorable Bodies, as follows:

WHEREAS, The "Ballard Locks," officially known as the Lake Washington Ship Canal Locks, having the largest lock in the world and having the greatest length, designed to handle log rafts as well as ocean-going ships, is situated in the City of Seattle, Washington, and operated by the United States Army Engineers; and

WHEREAS, Other monuments of the United States have been recognized by having commemorative postage stamps issued; and

WHEREAS, The "Ballard Locks," officially known as the Lake Washington Ship Canal Locks, have not been so recognized;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, that we respectfully petition the President and the Congress of the United States that the Postmaster General issue suitable commemorative postage stamps recognizing and honoring the "Ballard Locks"; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, the President of the United States Senate, Speaker of the House of Representatives, and to each Senator and Representative from the State of Washington.

Passed the House March 3, 1949.

Passed the Senate March 7, 1949.

HOUSE JOINT MEMORIAL NO. 24.

To the Honorable Harry S. Truman, President of the United States, and the 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 Bodies as follows:

WHEREAS, In the year 1851 the schooner Exact brought the first white settlers of the State of Washington to Alki Point, in what is now the City of Seattle; and

WHEREAS, The centennial occurs in 1951; and

WHEREAS, Other historic events of the United States have been recognized by having commemorative postage stamps issued; and

WHEREAS, The landing of the schooner Exact at Alki Point has not heretofore been so recognized;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington, in Legislative Session assembled, that we respectfully petition the President and the Congress of the United States that the Postmaster General issue suitable commemorative postage stamps recognizing and depicting the landing of our pioneers from the schooner Exact at Alki Point; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and to each Senator and Representative from the State of Washington.

Passed the House February 25, 1949.

Passed the Senate March 7, 1949.

HOUSE JOINT MEMORIAL NO. 27.

To the Honorable Harry S. Truman, President of the United States, and to the United States Public Roads Administration:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in Legislative Session assembled, most respectfully represent and petition as follows:

WHEREAS, The White Pass Highway is a highway which will furnish a new route between the rich inland empire of Eastern Washington and the equally rich territory of Southwest Washington; and

WHEREAS, All of the incompleated portion of said route is now on lands within the jurisdiction of the United States government; and

WHEREAS, Said route, when completed, will prove of inestimable value to the United States government in time of war; and

WHEREAS, Such road will provide a much shorter route of travel between Eastern Washington and Southwest Washington and will be in a territory where such road can be kept open for a much longer period of time than the existing highways; and

WHEREAS, Most of such road has been completed; and

WHEREAS, It is the understanding of the people of the State of Washington that contracts are now already let for the clearing, grading and completion of most of such road during the year 1949, but that no contract has yet been let for the clearing, grading and completion of approximately 1.6 miles of such road; and

WHEREAS, It is the further understanding of the people of the State of Washington that it is not now contemplated to let any contract for the clearing, grading and completion of such 1.6 miles of highway until the year 1950; and

WHEREAS, It is most vital to the welfare of both the inland empire of Eastern Washington and to Southwest Washington and to the security of the United States government that the White Pass Highway be completed at the earliest possible moment;

Now, Therefore, Your Memorialists respectfully pray that the President and the Public Roads Administration proceed immediately to the completion of that portion of the White Pass Highway lying within the jurisdiction of the United States government; and

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Harry S. Truman, President of the United States, to the United States Public Road Administration and to each Senator and Representative from the State of Washington.

Passed the House February 25, 1949.

Passed the Senate March 5, 1949.

HOUSE JOINT MEMORIAL NO. 31.

To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in Legislative Session assembled, respectfully represent and petition as follows:

WHEREAS, The State of Washington imposes a tax upon the sale and use of cigarettes within its boundaries, and the revenues so obtained constitute an important portion of the funds available for its functions of government; and

WHEREAS, It has been brought to the attention of your memorialists that a large and growing system of evasion of cigarette taxes has developed through the use of the United States mails; that advertisements and inducements are being sent through the United States mails to the citizens of this state and other states, which advertisements and inducements encourage violations of the cigarette taxes imposed by the various states; that in numerous instances such advertisers entice prospective customers with statements to the effect that the use of the United States mails is proof of the legitimacy of such business and such a system; that the mails of the United States are actually being used for the purpose of making deliveries into this state and other states of cigarettes on which the tax required by the laws of such states have not and will not be paid; that this state is seriously affected by such use of the mails of the United States for the purpose of evading the laws of this state, and faces substantial losses of revenue as a result of such system of evasion; and

WHEREAS, It has been brought to the attention of your memorialists that there is now pending before the Congress of the United States certain proposed bills which would aid the individual states in the enforcement of their cigarette tax laws by requiring shippers of cigarettes in interstate commerce to furnish to the taxing authorities of the state to which the merchandise is shipped a copy of the invoice on each shipment and the name and address of each purchaser;

Now, Therefore, Be It Resolved, That your memorialists hereby respectfully petition and memorialize the President and the Congress of the United States to enact and approve a bill requiring shippers of cigarettes in interstate commerce to furnish to the taxing authorities of the states to which the merchandise is shipped a copy of the invoice on each such shipment and the name and address of each purchaser, or to enact such other legislation in aid of the states affected as may be proper;

And Be It Further Resolved, That the Secretary of State of the State of Washington is hereby directed to forward certified copies of this joint memorial to the President of the United States and to the presiding officers of 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 House February 22, 1949.

Passed the Senate March 4, 1949.

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, 1914; 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 14, 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.
- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January 5, 1940. Submitted to the people November 5, 1940; failed to pass.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January 11, 1940. Submitted to the people November 5, 1940; passed.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Re-filed as Initiative Measure No. 147 (q. v.).
- INITIATIVE MEASURE NO. 145 (Government Re-organization)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)—Filed March 22, 1940. No petition filed.

- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)—Filed January 3, 1942. Submitted to the people November 3, 1942; failed to pass.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Re-constitution of Board of State Land Commissioners)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)—Filed February 19, 1944. Re filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)—Filed March 3, 1944. Submitted to the people November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)—Filed March 28, 1944. Submitted to the people November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 159 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946 and measure not certified to General Election Ballot.
- INITIATIVE MEASURE NO. 160 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (Changing Form of General Election Ballot to conform with Primary Election Ballot)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (Prohibiting the Governor from employing members of the Legislature during the term for which he shall have been elected)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (Prohibiting the sale of beer or wine by any person other than the State of Washington)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946 and measure not certified to General Election Ballot.
- INITIATIVE MEASURE NO. 164 (Prohibiting the sale of fortified wines)—Filed February 25, 1946. No petition filed.

- INITIATIVE MEASURE NO. 165 (Providing for the sale of liquor by the drink)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946 and measure not certified to the General Election Ballot.
- INITIATIVE MEASURE NO. 166 (Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.)—Filed April 24, 1946. Signature petitions filed June 29, 1946 and found sufficient. Measure rejected by voters at November 5, 1946 State General Election.
- INITIATIVE MEASURE NO. 167—(Providing Liquor by the Drink at Licensed Establishments)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948 and measure not certified to State General Election Ballot.
- INITIATIVE MEASURE NO. 168 (Providing Liquor by the Drink for Consumption on Premises Where Sold)—Filed January 2, 1948. No signature petitions filed for canvassing.
- INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)—Filed January 2, 1948. Signature petitions filed July 9, 1948 and found sufficient. Measure approved into law at November 2, 1948 State General Election and became identified as Chapter 4, Laws of 1949. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949). Second measure undergoing test case to determine constitutionality at time this volume is going to press.
- INITIATIVE MEASURE NO. 170 (Relating to Liberalization of Social Security Laws)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure re-filed as Initiative Measure No. 172.
- INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with certain restrictions)—Filed January 19, 1948. Signature petitions filed July 7, 1948 and found sufficient. Measure certified to November 2, 1948 State General Election Ballot and approved into law. Act now identified as Chapter 5, Laws of 1949.
- INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)—Filed February 26, 1948. Signature petitions filed July 9, 1948 and found sufficient. Measure certified to November 2, 1948 State General Election Ballot and approved into law. Act now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (Providing for the observance of Daylight Saving Time in the State of Washington)—Filed May 20, 1948. No signature petitions presented for canvassing.

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 of 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. 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. 13A (Chapter 112, Laws 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- 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. 14A (Senate Joint Resolution No. 1, Laws 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition; failed.
- 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.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people November 3, 1942; passed.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws 1941, Providing for Legal Advisor for Grand Juries)—Filed April 16, 1941. Submitted to the people November 3, 1942; failed to pass.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people November 3, 1942; failed to pass.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people November 7, 1944; failed to pass.
- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws 1945, Relating to appointment of State Game Commissioners by the Governor)—Filed April 3, 1945. Signature petitions filed June 6, 1945 and found sufficient. Submitted to the Electorate November 5, 1946. Law rejected.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws 1945, Relating to the creation of a State Timber Resources Board)—Filed April 3, 1945. Signature petitions filed June 6, 1945 and found sufficient. Submitted to the Electorate November 5, 1946. Law rejected.

- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)—Filed March 30, 1949. Signature petitions containing in excess of 77,000 signatures filed June 8, 1949. Canvassing of signatures being made at time this publication going to press. Since only 30,000 valid signatures required, it is a mathematical certainty that this measure will be certified to November 7, 1950 State General Election for final approval or rejection.
- REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949 amending State Insurance Code)—Filed April 2, 1949. No signature petitions presented for canvassing.

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. Re-filed 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.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Re-apportionment of State Legislative Districts)—Filed July 8, 1942. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Same as Initiative 163)—Filed August 23, 1946. Signature petitions filed January 3, 1947 and found sufficient. Certified to 1947 Legislature which took no final action. Measure submitted to the November 2, 1948 State General Election. Voted down.
- INITIATIVE TO THE LEGISLATURE NO. 14 (Re-apportionment of State Legislative Districts)—Filed September 19, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the employees of the State of Washington)—Filed October 16, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)—Filed September 8, 1948. No signature petitions presented.

INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)—Filed October 16, 1948. No signature petitions filed.

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.

REFERENDUM BILL NO. 5 (Chapter 83, Laws 1939, 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people November 5, 1940; passed.

REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people November 3, 1942; passed.

REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)—Filed March 22, 1949. To be submitted to the voters for approval or rejection at the November 7, 1950 State General Election.

REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)—Filed March 22, 1949. To be submitted to the voters for approval or rejection at the November 7, 1950 State General Election.

REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)—Filed March 22, 1949. To be submitted to the voters for approval or rejection at the November 7, 1950 State General Election.

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: Appropriation. 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.
- No. 16. To Section 11, Article XII. Re: Double Liability of Stockholders. Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: 40-Mill Tax Limit. Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only. Adopted November, 1944.
- No. 19. To Article VII, creating a Section 3. Re: State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.
- No. 20. To Section 1 of Article XXVII. Re: Legislature to fix the salaries of state elective officials.
- No. 21. To Section 4 of Article XI. Re: Permit counties to adopt "Home Rule" charters.
- No. 22. Repealing Section 7 of Article XI. Re: County elective officials. (These officials can now hold same office more than two terms in succession.)
- No. 23. To Article XI, creating a Section 16. Re: Permit the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.

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